

EUROPE AND EURASIA

ALBANIA

Albania is a parliamentary democracy with a population of approximately 3.2 million. Legislative authority is vested in the unicameral People's Assembly (parliament), which elects both the prime minister and the president. The prime minister heads the government, while the presidency is a largely ceremonial position with limited executive power. Parliamentary elections held in July did not fully comply with international standards and were marked by protracted tabulation of results, but were generally considered a step forward in the country's democratic development. Civilian authorities generally maintained effective control over the security forces.

The government generally respected the human rights of its citizens; however, there were serious problems in several areas. The following human rights problems were reported:

- police beating and abuse of suspects, detainees, and prisoners
- poor prison conditions
- arbitrary arrest and detention
- lengthy pretrial detention
- police corruption and impunity
- infringement on citizens' privacy rights
- politicization of the media
- occasional police use of force against protestors
- societal killings and an atmosphere of fear in some areas due to traditional blood feuds
- societal violence and discrimination against women and children
- trafficking in persons
- societal discrimination against Roma, Egyptians, and homosexuals
- child labor

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings.

By year's end, there were no developments in the appeals by two police guards convicted in connection with the July 2004 beating death of Erigert Ceka while in detention. In 2004 a court sentenced one guard to six months in prison for committing arbitrary actions while escorting detainees and the second guard to eight months in prison for violating guard service rules under the military code and misuse of duty. The court did not hold anyone directly accountable for Ceka's death.

The country continued to experience high levels of violent crime. Many killings occurred as the result of individual or clan vigilante actions connected to traditional "blood feuds" or to criminal gang conflicts. According to the interior ministry, at least nine persons were killed during the year in blood feuds based on the medieval Code of Lek Dukagjini (the *kanun*), which was practiced particularly in the northern part of the country. Under the *kanun*, only adult males are acceptable targets in blood feuds; however, women and children often were killed or injured in attacks. According to the National Reconciliation Committee, approximately 738 families were effectively self-imprisoned during the year due to blood feuds. Fear of revenge in a blood feud also led approximately 50 families to live under protection outside of the country and prevented approximately 200 children—75 of whom were consid-

ered to be in serious danger—from attending school. Disputes over land and trafficking in persons remained the main grounds for blood feuds.

During the year police failed to identify a perpetrator in the August 2004 killing of Emin Spahija and suspended their investigation of the case. Spahija was the head of the nongovernmental organization (NGO) Peace Missionaries League, which worked exclusively on blood feud issues.

While the parliament in May approved a law establishing a coordination council, chaired by the president, to develop a national strategy against blood feuds and coordinate activities of government agencies, the government had not implemented the law by year's end.

The court of serious crimes tried blood feud cases. The law provides for 20 years to life imprisonment for killing in a blood feud.

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 actions; however, the police at times beat and abused suspects. The Albanian Helsinki Committee and the Albanian Human Rights Group (AHRG) continued to report that police nationwide used excessive force or inhumane treatment. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma and members of the Egyptian community were particularly vulnerable to police abuse (see section 5).

According to the prosecutor's office, prisoners in Prison 302 sent an anonymous letter to the Ministry of Justice in April alleging that they were regularly abused in their cells by guards. The general directorate of prisons investigated the claims and determined that prison police had physically and psychologically abused 24 individuals multiple times. The general directorate dismissed the prison director and the chief of the prison's police; however, authorities had not filed criminal charges against the officers by year's end.

In February Edison Steno, a judicial police officer at the police commissariat, reportedly detained and physically and psychologically mistreated 25-year-old Mitrush Cipi from Korca. The police denied that the mistreatment occurred despite eye witness testimony to the contrary.

During the year there were reports that police in various parts of the country beat and mistreated persons at the time of their arrest or while holding them in pretrial detention.

For example, police reportedly beat seven boarding school students in April at the Berat police commissariat after detaining them for disorderly conduct. The AHRG collected evidence on the case, and the school director admitted the students were beaten and stated that the police unofficially apologized for their behavior. At year's end authorities had not taken disciplinary action against the officers.

In May Besnik Kosturi filed charges against a Korca criminal police officer, Oltion Agolli, for mistreatment. The officer reportedly beat Kosturi because he refused to provide information on a pending case. Medical experts verified the abuse and the officer was suspended. An investigation into the case was pending at year's end.

In June Shpetim Brahilka filed charges against a Tirana police officer, Altin Bega, for physical abuse. The prosecutor's investigation verified that the officer had beaten him. The case was under investigation at the year's end.

In July Arben Belaj filed charges against a member of the Vlora police special forces, Dritan Veizaj, for allegedly beating him. The prosecutor's office was investigating the case at year's end.

In July Frendi Ndoci filed charges against Pjerin Lazri and other Shkodra police officers for alleged beating him at the police commissariat. A preliminary investigation confirmed that police stopped Ndoci for driving a car without a driver's license or license plates and the medical examiner verified that Ndoci was beaten and unable to work for nine days. The local prosecutor was investigating the case at year's end.

Despite evidence from the ombudsman and the prosecutor's office, a court dismissed the May 2004 complaint by Beqir Kaba that two officers of the Dibra police commissariat had illegally arrested and mistreated him. The two officers had been temporarily suspended after the ombudsman office intervened.

There were no developments in the police mistreatment cases reported in 2003 and 2004 involving Stathi Lako, Behar Dedolli, and Romeno Nexhipi.

At times police abused juvenile detainees. According to the Children's Rights Center of Albania (CRCA), police sometimes used threats, violence, and torture to extract confessions from minors. According to the AHRG, the prosecutor in Korca continued to use, and the court admitted, evidence during the year that police extracted from three minors through physical violence in 2003 in a trafficking case against Gjergji Dabulla. No action was taken against the police officers involved.

Some NGOs reported that police targeted the country's homosexual community for abuse (see section 5).

There were reports that police beat protesters during the year (see section 2.b.).

Prison and Detention Center Conditions.—Conditions inside the prisons and detention centers remained poor and were marked by food shortages and a lack of medicine. During the year prisoners and detainees rioted in Tirana and Shkodra and held hunger and other strikes at prisons in Kruja, Lushnje, Tirana, Peqin, and Burrel to protest poor living conditions, the slow transfer of prisoners from pretrial facilities to prisons, and other shortcomings. In September a clash between two gangs in Peqin prison resulted in injury to six convicts. Overcrowding remained a serious problem in pretrial detention centers. The director of prisons reported that, as of December, there were 2,615 persons held in prisons designed for 2,668 and 870 persons (820 detainees and 50 convicted criminals) in detention facilities designed for 672.

In September the ombudsman's office inspected the Commissariat Four detention facility in Tirana and other district detention facilities and determined that eight Chinese nationals (six men and two women detained for possessing illegal documents) and other detainees were not being fed. The ombudsman requested the prime minister's office and ministries of interior and justice to take immediate measures to assist the detainees. At year's end the government had not acted on the ombudsman's request.

According to the general directorate of prisons, there were 68 women serving in Prison 325 for women in Tirana and 36 women in pretrial detention. NGOs monitoring prison conditions noted that Prison 325 lacked facilities for infants born to prisoners who were pregnant at the time of incarceration.

Pretrial detainees were not always separated from convicted prisoners, and juvenile detainees were not always separated from adults. Twenty of the thirty-one minors serving prison sentences in the country were held at pretrial detention centers, which did not provide for their education and did not always separate them from adults. While the Vaqarr prison had a wing for minors, the CRCA noted that juveniles were mixed with adult prisoners for showers and leisure activities. Unlike in previous years, there were no reports of sexual abuse of juveniles.

The government permitted international human rights observers to visit both pretrial detention centers and prisons; there were no reports of refusals to permit access for inspections by domestic independent human rights monitors. In May and June, the Council of Europe Anti-Torture Committee conducted an extensive visit of the country's prisons and detention centers; the committee's report on the visit had not been released by year's end. The OSCE also visited prisons during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the police occasionally arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—In September the Ministry of Public Order was transferred to the authority of a new Ministry of the Interior. Local police units report to the Ministry of the Interior and are the main force responsible for internal security. The military has a special 90-person commando unit, which operates in an antiterrorist role under the minister of defense. The law allows the minister of interior to request authority over this unit during a domestic crisis. The State Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. The Albanian State Police (ASP) employed approximately 12 thousand officers.

The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force. According to the interior ministry, only 40 percent of police officers received training beyond basic, despite assistance from foreign governments. The ASP Office of Internal Control engaged in the prevention, discovery, and documentation of criminal activity committed by police. Through November the office conducted 172 investigations that led to the arrest of 47 police officials and the dismissal of 68 others for misconduct.

Corruption remained a problem among police forces, and low salaries and widespread corruption throughout society made the problem difficult to combat. The ASP Office of Internal Control reported at least 81 cases of corruption to the prosecutor's office through November that involved 118 police officers, 16 of whom were arrested.

From January through September the general prosecutor's office investigated 20 cases involving 26 police officers for performing arbitrary acts or abusing duty. The office terminated its investigation in 11 cases, dismissing 9 cases and suspending 2 because of failure to identify the perpetrator. The other 9 cases were under investigation at year's end.

Impunity remained a problem, but increasingly less so. The government ombudsman received 14 complaints against police officers for use of excessive force or mistreatment through September. The ombudsman determined that 2 complaints were valid and dismissed the others as groundless. There was no information available at year's end on whether any action had been taken on the valid complaints.

Arrest and Detention.—By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights, and a prosecutor must be notified immediately after police detain a suspect, and police generally did so in practice. Within 48 hours of the arrest or detention, a suspect must appear before a judge. The judge has an additional 48 hours to determine whether the suspect should remain in detention. In some cases, detained persons were kept in pretrial detention beyond 48 hours without a court decision on whether the prosecutor had sufficient evidence.

A court may order detention in especially serious cases that could pose a danger to society. Alternatively, a suspect may be placed under house arrest. Bail may be required if the judge believes that the accused may not appear for trial.

Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right was not widely known, and police often failed to inform suspects of it. Access to legal information remained difficult for citizens. There were numerous cases in which persons were illegally detained and unable to contact a private attorney. In some cases, detainees were interrogated without their attorneys present. Legal services offered by the state bar association were considered inadequate, corrupt, and at times lacking in professionalism.

During the year the ombudsman received two complaints of arbitrary arrests and illegal detention by the police but considered neither to have merit. While there were no other reports of arbitrary arrest and detention by police, some NGOs believed it was still a problem.

There were no reports of political detainees.

The law requires completion of pretrial investigations within three months; however, a prosecutor may extend this period by additional three-month increments in particularly difficult cases. While the law provides that the maximum length of pretrial detention should not exceed two years, lengthy pretrial detention remained a serious problem as a result of delayed investigations. In July the AHRG reported that Elton Gerdhuqi had been detained in the Vlora police commissariat since 2000 and that the Vlora court had yet to issue a decision on the case. Forty-nine prisoners were held in pretrial detention even after their trial.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources prevented the judiciary from functioning independently and efficiently.

Tension continued between the police, prosecutors, and the judiciary, particularly outside Tirana. Each side blamed the failures of the other as the reason criminals avoided imprisonment. For example, the courts accused the prosecutors and police of failing to carry out solid investigations and gather evidence necessary to prosecute criminals successfully, and the police alleged that corruption and bribery tainted the courts. The judicial police were responsible, under the direction of prosecutors, for developing investigations initially conducted by the police.

The judicial system is composed of district courts, six courts of appeal, the serious crimes court, the serious crimes court of appeal, military courts, military courts of appeal, a high court, and a separate and independent constitutional court. The high court hears appeals from both the district courts and the courts of appeal, while the constitutional court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government and cases of individuals alleging denial of due process. The serious crimes court and serious crimes court of appeal focused on the fight against organized crime and serious crimes and on improving the quality of adjudication.

The president heads the High Council of Justice, which has authority to appoint, discipline, and dismiss district and appeals court judges. Judges who are dismissed have the right to appeal to the high court. The council includes the minister of justice, the head of the high court, nine judges of all levels selected by the National Judicial Conference, and three members selected by parliament.

Trial Procedures.—The law provides for the right to a speedy trial; however, limited material resources, lack of space, and case overload in many instances prevented the court system from adjudicating cases in a timely fashion. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits (see section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and, under the law, the government provides lawyers for indigent defendants, although

the quality of representation varied. Defendants have the right to appeal decisions within 10 days to the court of appeal. Defendants are legally presumed innocent until convicted.

During the year a number of trials, including some of the country's highest profile cases, were conducted in absentia. Prominent examples were the trial of Altin Arapi, the alleged killer of the driver of the prosecutor general; the trial of 13 members—7 of them in absentia—of an organized trafficking group connected with the death of 29 persons in January 2004; and the “Gaxhai” trial of 5 gang members, 4 of whom were tried in absentia. During the year there were 98 in absentia trials involving 171 defendants.

The trial system does not provide for jury trials. Prosecutors and the defense lawyers present cases to a panel of three judges, and defendants have the right to all evidence that is presented to the judges.

The bailiff's office ensures that civil judgments are enforced. Despite some improvements, the office performed poorly and many civil judgments were not implemented.

The country has no juvenile justice system, and children's cases frequently were presented to judges who were not trained in juvenile justice. According to the Children's Rights Center of Albania, lengthy sentences given to juveniles were due to lack of such training.

While separate from civilian courts, military courts are under the district court. They employ judges and prosecutors from civilian courts for military cases but do not try civilians.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—In July 2004 parliament approved a law on restitution and compensation for property confiscated during the Communist regime. Some former landowners, including religious communities, questioned the law's limit on property restitution to a total of 60 hectares. While the government established a \$2 million fund (200 million lek) to provide compensation to claimants, the state committee and 12 local commissions responsible for implementing the law lacked adequate funding. The ombudsman received 55 complaints related to property compensation during the year; there were no reports that any of the complaints had been resolved by year's end. However, in December, 28 individuals were compensated up to \$100,000 (10 million lek) each for properties confiscated during the Communist regime.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, at times, the government infringed on these rights.

In January 18 Romani families were forced to abandon their homes because they blocked a local municipality's territory regulation plan (see section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. While the media was active and largely unrestrained, there were serious, fundamental problems with the use of the media for political purposes.

During this election year, politicization of the media increased over previous years. Publishers and newspaper owners continued to dictate news stories to serve their political and economic interests and sometimes blocked stories that ran counter to those interests. Journalists continued to practice self-censorship, and there was little transparency in the financing of the media. Four domestic NGOs (Albanian Coalition Against Corruption, Institute for Surveys and Opinions, Institute for Development Research and Alternatives, and Center for Transparency and Free Information) monitored the media extensively before, during, and after the general elections. They found that most print and broadcast media showed a political bias, but that the degree of bias appeared to decrease after monitoring results were published.

Individuals could freely criticize the government and its actions in print and broadcasts. There were no reports that officials used or threatened to use libel suits to limit free political discussion.

In 2004 former minister of youth, culture, and sport Arta Dade and Minister of Local Government Ben Blushi sued Democratic Party Chairman Sali Berisha for libel for having verbally accused Dade of corruption. During the year, the case was resolved out of court.

The independent print media were active, but were constrained by limited professionalism, lack of finances, and political pressure. Political parties, trade unions, and various societies and groups published their own newspapers or magazines independent of government influence. An estimated two hundred publications were

available, including daily and weekly newspapers, magazines, newsletters, and pamphlets.

According to official data, there were 66 private television stations and 45 private radio stations, but the actual number was reportedly larger. While stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses.

The public Albanian Radio and Television (RTSh) operated a national television channel and a national radio channel. RTSh devoted most of its coverage to the government and the ruling party. By law, the government provides 50 percent of the station's budget.

Political affiliation had a pervasive influence on television programming, and the majority of stations were one-sided in their political coverage.

The National Council of Radio and Television (NCRT)—a seven-member bipartisan body selected by the parliament with one presidential appointee—regulated broadcasting. Media owners believed that the council failed to carry out its regulatory duties as a result of lack of experience, incomplete regulatory legislation, and scarce resources.

In March the Tirana district court reversed the NCRT's December 2004 suspension of TV Shijak's license for copyright violations and failure to pay fees on the grounds that the council should have taken preliminary measures before suspending the license.

In May the opposition Democratic Party restored the accreditation of private NEWS 24 television after canceling it and denying the station access to the party's headquarters in July 2004 for allegedly biased reporting.

There were a number of reports that police and other officials physically abused journalists.

In March a correspondent for Top Channel TV, Juliana Dhimitri, filmed police in Korca closing a store. The police chief, Adrian Shehu, complained and used offensive language to make her stop. When the reporter left the store and resumed filming, Shehu approached and shoved the camera several times. The mayor of Korca subsequently defended the police chief's actions. Dhimitri did not file charges. In June Dhimitri was filming a debate between the area's candidates for parliament, when a hostile dispute broke out between one candidate and supporters of the mayor of Korca. During the incident, the mayor reportedly grabbed Dhimitri by the shoulders, pushed her against a desk, and confiscated her camera for 30 minutes. She filed charges against the mayor; however, district prosecutors concluded there was insufficient evidence to support a criminal charge and closed the case.

In August Gjolek Malaj, a relative of a senior socialist party official, allegedly beat journalists Mero Baze and Astrit Patozi during the election rerun in the southern city of Gjirokaster; police arrested Malaj. The Ministry of Public Order dismissed four police officers for failing to intervene to prevent the attack. The investigation of the case against Malaj was transferred from the district prosecutor's office to the prosecutor general's office. In October, the Gjirokaster district court found Malaj guilty and sentenced him to four months in prison. Authorities released Malaj in mid-November, taking into consideration time served in detention since August.

In December the editorial office of the top-circulation daily *Shekulli* was damaged when an explosive was thrown onto its balcony. While nobody was harmed, there was damage to the office. An investigation was ongoing at year's end.

Unlike 2004, there were no reports of police detaining or confiscating the materials of journalists who videotaped high public officials.

There was political intimidation of the media. Journalists continued to complain that publishers and editors censored their work either directly or indirectly in response to political and commercial pressures. Many journalists complained that the absence of employment contracts also frequently hindered their ability to report objectively. Unlike in previous years, there were no reports that the government used the threat of tax audits against media outlets to retaliate for critical reporting of government policies.

Libel is a crime that may be punished with a prison sentence of up to two years and a fine. In October the government issued an order by the prime minister directing officials to refrain from using civil or criminal reports against reporters.

In September the Fier district court fined a correspondent of the daily *Korrieri* one thousand dollars (100 thousand lek) for libel. The correspondent reported in October 2004 that a Fier police inspector used fuel belonging to the city's police station for his private vehicle. The correspondent appealed the decision and, on December 21, the Vlore court of appeals reversed the original ruling.

In January a Tirana appeals court overturned the libel conviction of member of parliament Nikolle Lesi for reporting in his newspaper, *Koha Jone*, that former

prime minister Nano inappropriately awarded himself and his advisors five months' extra salary. A district court had ruled in Nano's favor and fined Lesi \$20 thousand (2 million lek) for the January 2004 report.

During the year the Tirana district court rejected a libel suit brought by the publishing company that owns the magazine *Spekter* against columnist Fatos Lubonja; Lubonja previously wrote for *Spekter*. The court of appeals upheld the decision.

The government did not restrict access to the Internet; however, Internet access remained limited, particularly outside major urban centers.

The government at times restricted academic freedom. During the year a district court rejected the suit brought by the chief of the University of Tirana's geography department, Professor Doka, in connection with his dismissal in 2004 for having an "antinationalistic approach" to work. The dismissal was prompted by Doka's publication of an atlas that expanded geographic minority zones in the country. The government subsequently prohibited publication of the atlas. The case was pending in the court of appeal at year's end.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

The law requires organizers of gatherings in public places to notify police three days in advance; there were no reports that police denied such gatherings arbitrarily. In April authorities suspended the case against Mjaft, a civic youth movement, in connection with protests held in 2004.

There were reports that police occasionally mistreated protesters.

In March approximately five hundred persons in the southern village of Kokome exchanged angry words and were pushed by police during a protest over the government's decision to sell their land to a French company. Seven persons were taken into custody and one police officer was injured.

Freedom of Association.—The law provides for the right of association, and the government generally respected this right; however, the law prohibits the formation of any political party or organization that is nontransparent or secretive. There were no reports that this provision was used against any group during the year.

c. Freedom of Religion.—The law provides for freedom of religion and the government generally respected this right in practice.

The predominant religious communities—Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic—enjoyed a greater degree of official recognition (for example, national holidays) and social status.

The government does not require registration or licensing of religious groups.

The Albanian Evangelical Alliance, an association of approximately 98 Protestant churches, continued to complain during the year that it had encountered administrative obstacles to accessing the media. However, alliance representatives stated that it was not clear whether the limited access was due to the organization's small size or its religious affiliations.

In response to media reports alleging that Jehovah's Witnesses had influenced a series of juvenile suicides, the general director of police announced May 4 that all "suspicious sects" would be investigated; however, what constituted a suspicious sect was never defined and the police had not taken any action by year's end. The government also announced a prohibition on the dissemination of religious literature in "public places," although in practice this prohibition applied only to government facilities.

The government failed to return all of the religious properties and objects that were confiscated under the Communist regime. In cases where religious buildings were returned, the government often did not return the land surrounding the buildings or provide compensation. In addition, the government did not compensate churches adequately for the extensive damage to religious properties during the Communist period.

The Orthodox Autocephalous Church of Albania had problems recovering property as well as difficulty retrieving religious icons from the government for restoration and safekeeping. The church reported some isolated incidents of vandalism to its churches and crosses.

Societal Abuses and Discrimination.—Early in the year the media carried a number of reports alleging that the Jehovah's Witnesses community had influenced a series of juvenile suicides. The reports led to incidents of societal intimidation and threats of violence against members of the community. Other religious communities reported similar problems involving threats and negative portrayals by the media.

At year's end the investigation into the 2003 killing of former general secretary of the Islamic community Sali Tivari was still ongoing.

There are believed to be fewer than one hundred Jews in the country; there were no reports of synagogues or community centers functioning in the country or of any anti-Semitic acts.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

Due to significant internal migration, many citizens no longer had local registration and status, leading to a loss of access to services such as education and medical care, particularly by Roma. The government made no progress toward creating a standardized national identity document during the year.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. During the year the government granted refugee status or asylum to one family. There were 15 cases pending at year's end. There is an appeals procedure, but it did not function during the year.

The government also provided temporary protection to individuals who may not qualify as refugees or asylees under the 1951 convention and the 1967 protocol, and provided it to approximately 36 individuals during the year.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR, through the government-run national reception center for asylum seekers, provided social and legal services, health care coverage, insurance, and limited training support for the small refugee community and coordinated further assistance through a network of NGOs.

Together with international organizations, the government, through the European Union's Community Assistance for Reconstruction, Development, and Stabilization program, prescreened illegal immigrants stopped at all border crossing points. Under the program, an NGO and government team assisted border police in identifying potential victims of trafficking, asylum seekers, and economic migrants.

The government excluded refugees that arrived through countries it deemed to be safe countries of transit or from countries it deemed to be safe countries of origin.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—In July parliamentary elections were held throughout the country. The preliminary report of the Organization for Security and Cooperation in Europe (OSCE) election observation mission concluded that, through the pre-election period, voting, and vote counting up to July 4, the elections complied only partially with international standards. Official election results were delayed for weeks due to complex complaint and appeal procedures, and the need to rerun elections in several zones. OSCE election observers reported several instances where election officials obstructed the process and placed party interests before their duty to count and report votes in an impartial and honest manner. Family voting occurred and was particularly common in rural areas.

Individuals and parties could freely declare their candidacy and stand for election. A political party must register with the Tirana District Court and declare an aim or purpose that is not anticonstitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. The court registered parties routinely.

There were 10 women in the 140-seat parliament, including the speaker of parliament, and 1 woman in the cabinet; however, overall, women were poorly represented at the national and local levels of government, despite commitments by the major political parties to increase female representation.

Several members of the Greek minority served in both the 140-seat parliament and the executive branch in ministerial and subministerial positions. No other ethnic minorities were thought to be represented in parliament or the cabinet.

Government Corruption and Transparency.—Corruption remained a major obstacle to meaningful reform. An August 2004 survey by Management Systems Inter-

national found that 94 percent of the general public and 90 percent of business managers believed that corruption among public officials was widespread. During the year the prosecutor's office dealt with 266 cases involving 158 government officials accused of abuse of authority and other types of corruption. In May the chairman of the Durres property restitution commission was sentenced to 20 years in prison for abuse of duty and corruption.

Authorities took no legal or disciplinary actions based on financial declarations filed during the year; however, 19 officials were fined in May for late submissions. Audits of 4,000 public officials' financial declaration forms by the high inspectorate for the declaration and audit of assets in March 2004 led to the dismissal of five officials and the referral of two others to the prosecutor's office for criminal investigation. The dismissed officials included a high-level transport ministry official who owned the country's largest asphalt company and an education ministry official responsible for licensing private schools who owned a private school himself.

In May a new conflict of interest law designed to help eliminate government corruption entered into force. The law provides that government ministers may not own a company that is directly tied to their official responsibilities. During the year the special ministerial position created in 2004 to combat corruption was moved to the interior ministry.

Citizens and noncitizens, including foreign media, have the right to obtain information about the activities of government bodies and persons who exercise official state functions. Public officials are legally obligated to release all information and official documents with the exception of classified documents and state secrets. However, this law has not been fully implemented, and limited access to public information for citizens and noncitizens remained a problem. A lack of government information offices and limited understanding of the law by government officials contributed to the problem. A study by the Center for Parliamentary Studies and the Soros Foundation found that only the Office of President published decisions and official documents on the Internet. A local NGO filed charges against the education ministry because it denied access to requested information. The trial continued at year's end.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views; however, in some areas—such as violence against women, including domestic violence, and children's issues—little progress was made.

Independent human rights organizations included the Albanian Helsinki Committee (problems related to minorities, security forces, the judiciary, and elections), the Albanian Human Rights Group (legal assistance and police training), the Children's Rights Center of Albania (children's rights), and the Citizen's Advocacy Office (official corruption).

The government cooperated with international organizations, such as the UNHCR and the International Organization for Migration (IOM), and did not restrict their access to the country.

A human rights ombudsman investigated inappropriate, inadequate, or illegal government actions. Although it lacked the power to enforce decisions, the ombudsman acted as a watchdog for human rights violations. The most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (see sections 1.c. and 1.e.). In many cases, the government took concrete steps to correct problems in response to the findings of the ombudsman; however, disputes between the ombudsman and the prosecutor general hampered cooperation.

In May parliament passed a law strengthening the ombudsman's authority that gives the ombudsman more access to judicial authority, permits the ombudsman to inspect and monitor detention facilities and prisons, and facilitates cooperation from state employees. The law provides the ombudsman authority to initiate cases when victims do not come forward or in cases that involve the interest of the community.

In May and June, the Council of Europe's Anti-Torture Committee visited the country to examine the treatment of persons detained by law enforcement agencies, conditions in pretrial detention facilities and prisons, and legal remedies in cases involving allegations of police mistreatment. The committee had not released its report on the visit by year's end.

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

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, discrimination against women and Roma persisted.

Women.—Domestic violence against women, including spousal abuse, remained a serious problem. In traditionally male-dominated Albanian society, social norms and lax police response resulted in much abuse going unreported, and it was difficult to quantify the number of women who were victims of rape, domestic violence, or sexual harassment. According to the Center for Civil Legal Initiative's 2002–2003 media monitoring project, 56 women and girls throughout the country lost their lives as a result of domestic violence and 74 others were seriously injured. Through September the center received 180 complaints of domestic violence. The Women to Women Center, an NGO that operated mainly in the northern part of the country, reported receiving approximately 20 calls per day from women reporting some form of violence.

Many communities, particularly those from the northeastern part of the country, still followed the traditional code—the *kanun*—under which, according to some interpretations, women are considered to be, and were treated as, chattel. Some interpretations of the *kanun* dictate that a woman's duty is to serve her husband and to be subordinate to him in all matters.

The law does not specifically address violence against women, although it contains provisions aimed at protecting spouses from domestic violence. In practice the courts have not used this legal tool due to lack of understanding in how to apply the law.

The weakness of legal protections against domestic violence was illustrated by the February 2004 killing of a 21-year-old woman by her father for alleged tardiness and the father's subsequent sentencing to less than two years in prison. The case received much attention from the media and the NGO community, but was not appealed by the prosecutor.

The government did not have programs to combat domestic violence or assist victims. An NGO maintained a shelter in Tirana for abused women, although the facility had the capacity to house only a few victims at a time. The same NGO also operated a hotline that provided advice and counseling to women and girls.

The law criminalizes rape, including spousal rape; however, spousal rape was not reported or prosecuted in practice. The concept of spousal rape was not well established, and often neither authorities nor the public considered it to be a crime.

The law prohibits prostitution; however, it was a problem. Trafficking in women and children remained a problem (see section 5, Trafficking).

The law prohibits sexual harassment; however, it was rarely employed in practice. In April, a senior government official was dismissed for sexual harassment.

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The law mandates equal pay for equal work; however, this provision was not fully implemented, although women continued gradually to gain economic power. Women enjoyed equal access to higher education, but they were not accorded full and equal opportunity in their careers, and well-educated women were often underemployed or worked outside their field of training.

The law provides equal rights for men and women under family law, property law, and in the judicial system. In practice, cultural traditions resulted in men often being favored over women. The State Committee on Equal Opportunity is responsible drafting, promoting and monitoring governmental gender equality programs. However, the committee was underfunded and lacked political influence. The interministerial committee on gender equality, an advisory body established by law, did not meet during the year.

Children.—The government's commitment to children's rights and welfare is codified in domestic law; however, in practice, there was limited commitment.

The law provides for the right to nine years of free education and also authorizes private schools. School attendance is mandatory through the ninth grade (or until age 16, whichever comes first); however, in practice, many children left school earlier than allowed by law to work with their families, particularly in rural areas (see Section 6.d.). Parents had to purchase supplies, books, school materials, and space heaters for some classrooms, which was prohibitively expensive for many families. The lack of proper documents—many of which were lost due to internal migration—prevented many students from attending school (see section 2.d.). According to recent World Bank statistics, high school enrollment for both boys and girls was only 38.7 percent, while the Albanian Institute of Statistics estimated enrollment at 53 percent. According to the UN Children's Fund (UNICEF), the primary school attendance rate for children aged 7 to 14 years was 90 percent.

Equal access to medical care was available in principle for both boys and girls; however, a high level of bribery in the medical care system sometimes limited access.

After a decade of significant internal migration, high civil registration fees have prevented many citizens from registering with authorities in their actual places of residence. As a result, children born to these individuals have no birth certificates or other legal documentation. The law requires parents who do not register their children within 30 days of the child's birth to register their children in court, where fines for not being properly registered are likely to be incurred. Thus, the country has a large—and growing—population of vulnerable, unregistered children, who were at risk of trafficking or exploitation, particularly children from the Romani community.

Child abuse, including sexual abuse, was prevalent but rarely reported. According to the interior ministry, 20 cases of sex crimes against children were reported during the year.

According to the National Reconciliation Committee, as many as 200 children remained endangered by blood feuds involving their families; 75 of these were in particularly dangerous circumstances (see section 1.a.).

Child marriage was a problem. While statistics were not available, child marriage was reportedly common among the Romani population and there were still some communities in the north and northeast of the country where there is traditional arranged "marriage from the cradle" based upon parental agreement.

Trafficking in children, although not widespread, was a problem (see section 5, Trafficking).

Child labor remained a major problem (see section 6.d.).

Homeless, displaced or street children remained a problem, particularly Romani children, who lived in extreme poverty throughout the country. Street children begged or did petty work; many migrated to neighboring countries, particularly during the summer.

Trafficking in Persons.—The law prohibits trafficking in persons and provides penalties for traffickers; however, persons, particularly women and children, were trafficked to, from, and within the country. Police corruption and involvement in trafficking were also problems.

The law provides for penalties of 5 to 15 years' imprisonment for trafficking in persons; 7 to 15 years' imprisonment for trafficking women for prostitution; and 15 to 20 years' imprisonment for trafficking in minors. Aggravating circumstances, such as the kidnapping or death of a victim, can raise the severity of the punishment to a maximum of life in prison. Prison sentences may be supplemented by fines of \$4,000 to \$6,000 (400,000 to 600,000 lek) for sexual exploitation of a minor and \$3,000 to \$6,000 (300,000 to 600,000 lek) for sexual exploitation of a woman. The law provides that a government official convicted of exploitation for prostitution receive 125 percent of the standard penalty. The law also mandates the sequestration and confiscation of assets derived from organized crime and trafficking. In June the council of ministers established a government agency to administer sequestered and confiscated assets.

In February the government approved a child trafficking strategy and national action plan for 2005–2007 based on UNICEF guidelines and the principle of assisted voluntary return of child victims. However, at year's end the government had not established an institutional structure to implement the strategy and action plan.

Prosecution of traffickers remained a problem. Authorities often released arrested traffickers because of insufficient evidence or, if they were prosecuted, charged them with lesser crimes or gave them less than the minimum sentence for trafficking. According to the prosecutor's office, there were 341 ongoing trafficking in persons cases with 343 defendants during the year. Through November, 179 individuals were sentenced and, in four of the cases, courts convicted 10 defendants of trafficking in persons and gave each at least the minimum sentence. The police detained 53 individuals in connection with trafficking of women for sexual exploitation.

In November 2004 sixteen individuals were convicted and sentenced to prison for 1 to 10 years each for sexual violence against a 16-year-old girl at the Bishiti i Palles naval base. In 2003 the girl was smuggled onto the base to have sex with conscripted sailors and held in a semiabandoned building for two months and repeatedly raped before she was trafficked to Kosovo.

The 2003 case against operators of a child trafficking ring in Durrës, involving a port customs officer and the head of the local SHISH office, never went to trial. However, four other individuals connected with the case were convicted and sentenced to prison for 3 to 6 years each.

The country did not participate in any regional antitrafficking operations during the year; however, authorities extradited 35 persons for trafficking and other of-

fenses. In August 2004 authorities participated in a regional antitrafficking sweep organized through the Southeast European Cooperative Initiative Center resulted in 125 arrests regionwide for various forms of trafficking, prostitution, and smuggling.

In 2003 the serious crimes court upheld the conviction of seven persons to 10 to 20 years in prison for trafficking newborn babies to Greece.

During the year the government began implementing the April 2004 witness protection law, establishing a witness protection unit in the ASP's newly expanded directorate of organized crime and witness protection and naming a commission to evaluate applications for admission to the witness protection program. In June the government adopted its first regulations implementing the law. By year's end, three individuals had been admitted to the program, although none had been relocated. Despite these efforts, witness protection remained a serious problem, and witnesses' fear of retaliation was a strong deterrent to the effective prosecution of organized crime and trafficking cases.

The country remained a source country for trafficking of women and children for the purposes of sexual exploitation and forced labor, but was deemed by international observers to no longer be a significant country of transit. The relatively few foreign women and girls in transit originated primarily in Serbia and Montenegro (Kosovo), and, to a lesser extent, Moldova, Romania, Ukraine, Russia, Bulgaria, Sri Lanka, and China. Most trafficked women and girls were transported to Italy, Greece, and other European countries, such as Belgium, France, the United Kingdom, the Netherlands, and Norway. There was a significant increase in the trafficking of children to Kosovo for begging or sexual exploitation. Traffickers largely used overland routes through Greece (via Macedonia) or Montenegro or falsified documents to transport their victims by plane or ferry.

According to NGOs, approximately 1,000 unaccompanied Albanian children were living in Italy, although not all were victims of trafficking. A 2002 study conducted by the NGO International Social Service reported that 1,800 unaccompanied Albanian children—many of whom were trafficking victims—lived in Greece. According to Terre des Hommes (TdH), a Swiss child-welfare NGO operating in the country, the number of children trafficked to Greece has declined in recent years.

Internal trafficking increased during the year. TdH identified and assisted 126 trafficked children, approximately 53 of whom were internally trafficked. Children were generally trafficked for forced begging or sexual exploitation. Roma and Egyptian communities were particularly vulnerable due to poverty and illiteracy. In a few cases children were bought from families or kidnapped, reportedly for begging or working abroad. According to TdH, children, mostly from Romani and Egyptian communities, were increasingly trafficked for begging by their parents without the involvement of a third party.

The main forms of recruitment involved marriage under false pretenses or false promises of marriage to lure victims abroad for sexual exploitation. Due to the poor economic situation, men and women from organized criminal groups also lured many women and girls from all over the country by promising them jobs in Italy and Greece. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Both citizens and foreign women trafficked by domestic organized crime networks were abused, tortured, and raped. Traffickers also threatened many of the victims' family members. To a lesser extent, family members of neighbors sold victims—particularly Romani children—to traffickers or traffickers kidnapped children, including from orphanages.

The police were often involved directly or indirectly in trafficking. During the year, authorities arrested one police officer for trafficking, who was tried but not convicted; authorities did not prosecute any other government officials for trafficking offenses. Traffickers also manipulated lawyers and judges and bribed their way out of punishment. During the year the interior ministry's internal control office investigated only five cases of police involvement in all forms of trafficking.

The government provided very limited services to trafficking victims. For example, the government operated one shelter in Tirana, but only with NGO assistance. Several NGOs were active in addressing victims' needs. The IOM operated a reintegration center in Tirana that provided counseling and medical services, job training, and some legal assistance. The Vatra Hearth Shelter, an NGO in Vlora, provided similar services. Both shelters reported that a large percentage of their cases during the year involved victims deported from other European countries.

Police treatment of trafficked women continued to improve during the year; however, foreign women who were detained by police at times lacked translation services or were not given a choice of lawyers.

Victims of trafficking often faced significant stigmatization from their families and society. According to the Vatra Hearth Shelter, there have been many cases where

families have threatened victims of trafficking, minors included, with death because of their past. Retrafficking was a significant problem, with 131 out of 228 victims sheltered at the Vatra Hearth Shelter during the year reporting that they had been trafficked at least twice previously and 7 of the victims were under continuous threats from the perpetrators. Of the 228 victims at the shelter, 28 were internally trafficked and the remainder were from other countries.

The Vlora antitrafficking center, which opened in 2001, was not fully operational but was used for regional training. Domestic and international NGOs carried out most of the country's trafficking awareness programs.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities; however, there was some discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. While the law mandates that new public buildings be made accessible for persons with disabilities, the government did not undertake to provide such accessibility.

National/Racial/Ethnic Minorities.—There were reports of government violence and discrimination and of societal discrimination against members of minority groups, particularly the Romani and Egyptian communities.

The law permits official minority status for national groups and for ethnolinguistic groups. Greeks are the largest national minority, followed by small groups of Macedonians and Montenegrins; Aromanians (Vlachs) and Roma are defined as ethnolinguistic minority groups. The government has not provided minority status to the Egyptian community, thereby denying it constitutional protections against discrimination available to other minority groups. To qualify for minority status under the law, a group of individuals must share the same language (other than Albanian), have documentation to prove its distinct ethnic origin or national identity, and have distinct customs and traditions or a link to a kinship state outside of the country. The government maintained that the Egyptians did not meet some criteria, such as a distinct language and traditions, and instead considered them a community.

According to the European Roma Rights Center, in early January Tirana municipality construction police reportedly beat and killed Dritan Hasimi, a 22-year-old Rom, when he resisted the destruction of his home during the demolition of an illegal Romani settlement. The official autopsy report concluded that Hasimi died of alcohol poisoning.

During the year there were reports that police beat Roma and Egyptians.

There were reports that police displaced Roma and Egyptian families from their temporary housing. On January 6, the Tirana municipality demolished the homes of 18 Romani families comprising 150 persons, reportedly without warning, leaving them homeless in the middle of winter. The municipality demolished the homes, located in a settlement close to the Lana river, because they blocked its territory regulation plan and were illegal. A similar case resulted in the eviction of 51 Romani families in June 2004.

The Romani and Egyptian communities were among the most politically, economically, and socially neglected groups in the country. Members of the Egyptian community tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, particularly among children, poor health conditions, lack of education, and marked economic disadvantages. At year's end the government had not implemented its national strategy for the improvement of living conditions of the Romani minority.

The ethnic Greek minority pursued grievances with the government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders complained of the government's unwillingness to recognize the possible existence of ethnic Greek towns outside communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration.

While Greek-language public elementary schools were common in the southern part of the country where most ethnic Greeks live, the Greek cultural association Omonia complained that the community needed more classes both within and outside the minority zones. Every village in the Greek zones had its own elementary-middle (nine-year) school in the Greek language, regardless of the number of students, and Gjirokaster had two Greek language high schools.

Other Societal Abuses and Discrimination.—NGOs claimed that police targeted the country's homosexual community for abuse. According to the general secretary

of Gay Albania, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. According to the ombudsman's office, in June police at the Tirana police commissariat detained, insulted, and physically mistreated a member of the Gay Albania association. Medical experts verified the mistreatment, and the ombudsman's office started an investigation. No action had been taken against the police by year's end.

Section 6. Worker Rights

a. The Right of Association.—Workers had the right to form independent unions, and exercised this right in practice; however, civilian government employees and members of the military are prohibited from joining unions. Approximately 20 percent of the workforce was unionized, but union membership was declining.

The law does not prohibit antiunion discrimination; however, there were no reports of such discrimination in practice.

b. The Right to Organize and Bargain Collectively.—Citizens in all fields of employment, except uniformed members of the armed forces, and some court employees, have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements; however, labor unions operated from a weak position. In practice, unions representing public sector employees negotiated directly with the government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The law provides that all workers, except civil servants, uniformed military, police, and some court officials, have the right to strike and exercised this right in practice. The law prohibits strikes that are declared openly to be political or that are judged by the courts to be political.

By year's end the urban transport park in Tirana had not reinstated 10 employees who held a 5-day hunger strike in April 2004 to protest illegal dismissal. The park's director claimed that the strike violated the workers' employment contract. However, the Albanian Human Rights Group and ombudsman stated that the hunger strike was legal and that the park director had not abided by the law in the firing of the employees.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age of employment at 14 and regulates the amount and type of labor that can be performed by children under the age of 18. Children between the ages of 14 and 16 may work legally in part time jobs during summer vacation; children between the ages of 16 and 18 can work throughout the year in certain specified jobs. The Ministry of Labor enforces minimum age requirements through the courts; however, there were no reports that enforcement took place. Labor inspections of factories in the first half of 2004 found only 1 percent of the employees were underage. However, labor inspectors only investigated the formal labor sector, whereas most child labor occurred in the informal sector. The majority of factories inspected were shoe and textile companies. More than 70 percent of the underage workers were girls. NGOs reported that labor inspectors charged with investigating child labor complaints did not give out fines or penalties or initiate legal actions against those who violated child labor laws.

The Children's Rights Center of Albania (CRCA) estimated that approximately 50,000 children under the age of 18 worked either full or part time. UNICEF estimated that 23 percent of children aged 5 to 14 years in the country were working between 1999 and 2003; children considered to be working included those who performed any paid or unpaid work for someone who was not a member of the household, who performed more than four hours of housekeeping chores in the household, or who performed other family work.

According to the CRCA, the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, and shoeshine boys, some as many as 16 hours a day. In Tirana and other cities, children—mostly Roma—worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. The CRCA also noted that there were approximately one thousand street children in Tirana. Increasing numbers of children in Tirana fell victim to prostitution and other forms of exploitation. Children were trafficked for sexual exploitation and forced labor (see section 5).

e. Acceptable Conditions of Work.—There was no minimum wage for workers in the private sector. The legal minimum wage for government workers over the age of 18 was approximately \$118 (11,800 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. The average wage for government workers was approximately \$213 (21,325 lek) per month. According to the Albanian Institute of Statistics, approximately 25 percent of the population lived under the official poverty line.

The law establishes a 40-hour workweek; however, the actual workweek typically was set by individual or collective agreements. Many persons worked six days a week. The law requires payment of overtime and rest periods; however, these provisions were not always observed in practice. The government had not established standards for a minimum number of rest periods per week, limits on the maximum number of hours worked per week, or the amount of premium pay for overtime and did not prohibit excessive compulsory overtime.

The Ministry of Labor and Equal Opportunities is responsible for enforcing government occupational health and safety standards and regulations; however, these regulations were generally not enforced in practice. Actual workplace conditions were frequently very poor and in some cases dangerous. During the year a number of job-related deaths were reported by the media, particularly in the construction and mining industries. The law does not provide workers the right to remove themselves from hazardous situations without jeopardy to their employment.

ANDORRA

Andorra is a constitutional parliamentary democracy with a population of approximately 77 thousand. Two Princes—the President of France and the Catholic Bishop of Seu d'Urgell Spain—serve with joint authority as heads of state, and a delegate represents each in the country. Elections in April chose 28 members of the “Consell General” (parliament) that selects the head of government and were free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- prolonged pretrial detention
- violence against women and children

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

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

Role of the Police and Security Apparatus.—The country has no defense force and depends on Spain and France for external defense. The national police, which have sole responsibility for internal security, are organized into four areas: public security, technical support, borders and traffic, and crime. Corruption was not a problem; however, if corruption or serious irregularities were discovered, then disciplinary proceedings were initiated. Police received training in and outside Europe. Some police members received training in Europe during the year.

Arrest and Detention.—Police may legally detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The law does not provide individuals under arrest immediate access to an attorney. Legislation provides for legal assistance beginning 25 hours after the time of arrest. There was a system of bail.

There were no reports of political detainees.

Lengthy pretrial detention occurred, and the ombudsman has criticized it. Lengthy pretrial detention was due to staff shortages and a large number of detainees. Pretrial detainees made up approximately 30 percent of the prison population.

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

The judiciary includes the magistrate's court and the court of courts. Once sentencing is announced there is a 10-day period to present an appeal to the magistrate's court. Upon acceptance of appeal the report is sent to the court of courts where the two parties are requested to return within a 15-day period. If the appellant or a legal representative makes no physical appearance before the court within the 15-day period then the appeal is declared void. The highest judicial body is the five-member superior council of justice. Each member is appointed by one of the following: the two princes; the head of government; the president of the parliament; and collectively, members of the lower courts.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and defendants can request a jury. Defendants have the right to present evidence and consult with an attorney. Defendants enjoy a presumption of innocence, and they have the right to appeal.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. Under the law, the Roman Catholic Church and the State have a special relationship; however, the Catholic Church received no direct subsidies from the government.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts against the approximately 300-person Jewish community.

For a more detailed discussion see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum.

The government cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

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

Elections and Political Participation.—Parliamentary elections in April were considered free and fair and allowed the conservative Andorran Liberal Party to remain in power. The party won 14 out of 28 seats in parliament. The Social Democratic Party won 12 seats and the Andorran Democrat Center Party along with the Segle 21 "Century 21" won 2 seats.

There were 8 women in the 28-seat parliament, and 3 women in the 11-seat cabinet.

There were no members of minorities in the 28-seat parliament, and there were no minorities in the 11-seat cabinet.

Government Corruption and Transparency.—There were no reports of government corruption during the year.

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

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

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

An ombudsman received and addressed complaints, some of which were against the government's policies. The ombudsman was free of government control, and the government was generally responsive to the ombudsman's recommendations.

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

The law declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, gender, origin, opinions, or any other personal or social condition; however, the law grants many rights and privileges exclusively to citizens.

Women.—Violence against women was a problem, and, according to the ministry of health, welfare, and family, violence against women increased slightly during the year; there were more than 100 reports of physical abuse at year's end. There is no specific legislation prohibiting domestic violence, although other laws may be applied in such cases. Women, who suffered from domestic violence, requested help from the Andorran International Women's Association (AIWA) and the Andorran Women's Association (AAW), but rarely filed a complaint with the police for fear of reprisal. Approximately 50 persons were prosecuted for violence against women during the year. The government had a hot line and provided medical and psychological services to victims of domestic violence but did not have any shelters.

The law prohibits rape, including spousal rape, which is punishable by up to 15 years' imprisonment. The law was effectively enforced in practice. The government had a hot line and provided medical and psychological services to rape victims but did not have any shelters.

Prostitution is illegal and was not a problem.

Sexual harassment is not prohibited; however, it was not a problem.

The law prohibits discrimination against women privately or professionally; however, the AAW reported that there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers estimated that women earned 35 percent less than men for comparable work although this gap continued to decrease slowly.

Children.—The government was committed to children's welfare. Free, universal public education began at age 4 and was compulsory until age 16. The government provided free nursery schools, although their number continued to be insufficient. Reportedly 100 percent of school age children attended school. Secondary school was the highest level achieved by most students. Secondary school also was the maximum level of public school offered, since no university existed in the country.

Healthcare was free, and boys and girls had equal access.

Although violence against children was a problem, according to the secretariat of state for the family, the number of cases was low, and the incidence of child abuse decreased slightly during the year.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government enforced it effectively; however, societal discrimination against persons with disabilities existed on a small scale, in the form of social and cultural barriers. The law mandates access to public buildings for persons with disabilities, and the government generally enforced this provision in practice.

National/Racial/Ethnic Minorities.—Some immigrant workers complained that they did not have the same labor rights as citizens (see section 6.e.).

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Antiunion discrimination is not prohibited under the law, and workers were sometimes reluctant to admit to union membership, fearing employer retaliation.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law does not specifically provide for collective bargaining. Wages are determined by the annual cost of living. The law does not provide for the right to strike, and there were no strikes during the year. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced and compulsory labor, including by children; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—Children under the age of 18 generally were prohibited from working, except in very limited circumstances. The labor inspection office in the Ministry of Social Welfare, Public Health, and Labor effectively enforced child labor regulations.

e. Acceptable Conditions of Work.—The national minimum wage of \$7.20 (6 euros) per hour, and \$984 (820 euros) per month did not provide a decent standard of living for a worker and family. The labor inspection office enforced the minimum wage effectively.

The law limits the workweek to 40 hours, although employers may require up to 66 hours per month and 426 hours per year overtime from workers. The law provides for premium pay for overtime. There was a required rest period every day. Employees work a regular 8 hours plus they are allowed to work 3 extra hours a day or 15 per week.

The labor inspection service set occupational health and safety standards and effectively enforced them. During the year the labor inspection service filed approximately 195 complaints against companies for violating labor regulations, and it had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

ARMENIA

Armenia, with a population of approximately 3.2 million, is a republic. The constitution provides for the separation of powers, but the directly elected president has broad executive powers that are relatively unchecked by the parliament (national assembly) or the judiciary; the president appoints the prime minister, most senior government officials, and judges at all levels. The 2003 presidential and parliamentary elections were seriously flawed and did not meet international standards. While the civilian authorities generally maintained effective control of the security forces, some members of the security forces committed a number of human rights abuses.

Although there were some improvements in some areas, the government's human rights record remained poor and serious problems remained. The following human rights problems were reported:

- abridged rights of citizens to change their government
- hazing-related deaths in the military
- security force beatings of pretrial detainees
- national security service and national police force impunity
- arbitrary arrest and detention
- poor and unhealthy prison conditions
- limited right of citizens' privacy
- limited press freedom
- self-censorship by journalists
- restrictions on religious freedom
- violence against women and spousal abuse
- trafficking in persons

- discrimination against persons with disabilities
- societal harassment of homosexuals
- reported forced and compulsory labor

On November 27, a series of constitutional amendments were approved by a national referendum, and although the process was seriously flawed, the amendments represented a step toward establishing a system of democratic institutions with checks on the power of the president and a more independent judiciary. By year's end courts were more actively pursuing charges and convictions against individuals under the country's antitrafficking statutes.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government and its agents did not commit any politically motivated killings, although there were some deaths in the military as a result of mistreatment.

The military prosecutor's office investigated six deaths, three of which were hazing related. The remaining cases were investigated, but the prosecutor did not announce final results. While human rights observers asserted there were considerably more unreported deaths that were also hazing-related, the prosecutor general denied these assertions.

The Ministry of Defense reported there were 273 cases of cease-fire violations along the border with Azerbaijan, resulting in 5 deaths and 6 injuries, roughly matching the number reported by the press during the year.

In contrast to previous years, there were no civilian deaths due to landmines; however, the government reported six soldiers died from injuries sustained from landmines. All parties involved in the Nagorno-Karabakh conflict had laid landmines along the 540-mile border with Azerbaijan and the line of contact.

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 government security forces employed them. Witnesses continued to report numerous cases of police beating citizens during arrest and interrogation while in detention. Most cases of police brutality went unreported because of fear of retribution. Human rights nongovernmental organizations (NGOs) also reported claims that police beat detainees during pretrial detention.

Although there was no current, reliable reporting on the full extent of military hazing, soldiers reported to human rights NGOs that the practice continued. During the year one local NGO estimated there were seven hazing incidents; other local and international NGOs insisted the number was significantly higher. Homosexuals, Yezidis (a non-Muslim, Kurdish, religious-ethnic group), and Jehovah's Witnesses also reported that they were singled out for hazing by officers and other conscripts (see sections 2.c. and 5). Authorities did not take any significant measures to limit or stop the hazing.

The law allows detainees to file complaints prior to trial to address alleged abuses committed by authorities during criminal investigations. Detainees must obtain permission from the police or the prosecutor's office to obtain a forensic medical examination to substantiate a report of torture. According to Human Rights NGOs, however, authorities rarely granted permission for forensic medical examinations and, by year's end, there were no convictions for torture.

The government reported that 49 police officers received administrative fines and two others faced criminal charges for their roles in 35 cases involving police brutality.

In November police reportedly beat opposition supporters detained briefly following the marred constitutional referendum (see section 1.d.).

There were no developments, and none were expected, in the 2004 attacks against Mikael Danielyan (see section 4) and Ashot Manucharian.

Prison and Detention Center Conditions.—Prison conditions remained poor and posed a threat to health. Cells were overcrowded, most did not have adequate facilities, and prison authorities did not provide most inmates with basic hygiene supplies. According to a June Civil Society Monitoring Board (CSMB) report, prisoners remained at high risk of contracting tuberculosis, and adolescents held in juvenile facilities rarely were provided with the schooling required by law. The CSMB reported chronic problems including denial of visitor privileges, medical neglect, and in the most extreme cases, physical abuse. In certain jails, prisoners paid bribes to move into single occupancy cells and to obtain additional comforts. There were also

unverified reports that authorities charged unofficial fees to family members and friends delivering meals to inmates. In some prisons, monitors noted that prisoners had difficulty mailing letters and that some prison officials did not adequately facilitate family visits.

CSMB monitors reported that female prisoners had more freedom of movement, and that their facilities were cleaner and better equipped and maintained than prisons for men.

The government permitted independent monitoring of prison conditions by local NGOs and international human rights groups, including the International Committee of the Red Cross (ICRC). In June 2004 the Ministry of Justice (MOJ) authorized the CSMB to visit prisons without giving advance notice and, in practice authorities permitted monitors to do so. Technically the ICRC and CSMB had access to all detention facilities, including holding cells, prisons, and local police stations to conduct independent monitoring and to meet with detainees and prisoners. In practice the national police ministry did not allow any local groups to monitor pretrial detention facilities (suspects may be held up to three days without charge), where most abuse was believed to occur. Police also denied CSMB monitors access to pretrial detention facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; in practice, the authorities continued to arrest and detain criminal suspects without warrants.

Role of the Police and Security Apparatus.—The national police and the national security service (NSS) are responsible for domestic security, intelligence activities, and border control, and report directly to the prime minister. Both services lacked the training, resources, and established procedures to implement reforms or to prevent incidents of abuse. Prisoners reported that police and NSS authorities did little to investigate allegations of abuse. As a result, impunity was a serious problem. NGOs and international human rights groups reported detainee abuse was widespread, and there were no efforts underway to modernize or reform police or security forces. Corruption also remained a significant problem in the police force and security service. National police officers routinely stopped motorists at roadside checkpoints to extort unofficial fees. Motorists reported that traffic police generally “charged” approximately \$2 (1000 AMD) for passage beyond checkpoints. Motorists who refused to pay were threatened with hefty official fines, license and registration revocation, and additional police harassment. Investigative journalists alleged that police inspectors and superiors received a portion of the proceeds from each traffic stop. As a result, there were no incentives and no efforts underway to curb the practice.

Arrest and Detention.—To make an arrest, prosecutors and police must first obtain a warrant from a judge, except in cases of imminent flight risk or when a crime is caught in progress. Judges rarely denied police requests for arrest warrants, although police sometimes made arrests without a warrant on the pretext that detainees were material witnesses rather than suspects. According to the law, a detainee must be indicted or released within three days of arrest, and this procedure was usually followed in practice, although in some cases police skirted this requirement by alleging suspects were material witnesses. Material witnesses do not have the right to prompt judicial determination or legal counsel. The law provides a bail system; however, most courts denied requests for bail in favor of detention.

The law also requires police to inform detainees of their right to remain silent, to make a phone call, and to be represented by an attorney from the moment of arrest and before indictment (including state-provided lawyers for indigent detainees). In practice, police did not always abide by the law. Police often questioned and pressured detainees to confess prior to indictment when they did not have an attorney present. The law does not guarantee witnesses the right to legal counsel or prompt judicial determination and police exploited this loophole to interrogate suspects in the absence of counsel or detain them beyond the three-day limit for indicting suspects. Police sometimes restricted family members’ access to detainees.

Unlike in the previous year, there was only nominal attendance at, and little public attention to, rallies and demonstrations, and arbitrary detention of protestors was not a serious problem. In the week following the marred November constitutional referendum the government detained, for several hours at a time, approximately 50 opposition supporters participating in modest opposition rallies. Several detainees alleged police beat them while they in custody.

There were no reports of politically motivated arrests resulting in continued detention at year’s end.

Lengthy pretrial detention remained a problem. According to the law, a suspect may not be detained for more than 12 months awaiting trial, but in practice this

provision was not always enforced. Both prosecutors and defense attorneys frequently requested and received trial postponements on the grounds that they required more time to prepare for trial. In some cases postponements were used as an excuse to prolong interrogations. The government reported that, at year's end there were 317 pretrial detainees accounting for approximately 11 percent of the 2879-person prison population.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. In practice, courts were subject to political pressure from the executive and legislative branches, and corruption was a problem.

The law provides for a three-tier court system, including the highest court, the Court of Cassation, the court of appeals, and courts of first instance. Most cases originate in courts of first instance; appeals are lodged with the court of appeals and the Court of Cassation. The constitutional court rules on the constitutionality of legislation, approves international agreements, and rules on election-related questions. The constitutional court can only accept cases proposed by the president and approved by a two-thirds majority of parliament, and cases on election-related issues brought by parliamentary or presidential candidates. These limitations and the general lack of judicial independence combined to prevent the constitutional court from ensuring compliance with constitutional human rights safeguards.

The president exercises dominant influence in appointing and dismissing judges at all levels.

Trial Procedures.—The law requires that all trials be public except when government secrets are at issue. Juries are not used in trials. A single judge issues verdicts in courts of first instance, and a panel of judges presides over the other courts. Defendants have the right and are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment (a civil versus criminal misdemeanor). They also have access to a lawyer of their own choosing, and the government provided a lawyer at public expense to defendants upon request. More than half of all defendants chose to argue their own case in court due to the perception that public defenders colluded with prosecutors. Defendants may confront witnesses and present evidence and they and their attorneys may examine the government's case in advance of trial. Judges generally granted requests by defendants for additional time to prepare cases. The law provides for the presumption of innocence; in practice this right was not always observed. Prosecutors often did not begin a trial if they believed they would not obtain a guilty verdict—resulting in extended pretrial investigations and lengthy pretrial detention (see section 1.d.). Both defendants and prosecutors have the right to appeal. Prosecutors used confessions obtained under pressure, which some NGOs asserted amounted to torture, as a central part of their case. Defense lawyers may present evidence of torture to overturn improperly obtained confessions, although defendants stated that judges and prosecutors refused to admit such evidence of torture into court proceedings even when the perpetrator could be identified.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications; however, the government did not always respect these rights in practice.

Under the law, authorities must present compelling evidence to obtain permission from a judge to wiretap a telephone or intercept correspondence. Nonetheless, in practice the law was not strictly enforced and some judges arbitrarily granted permission.

At times police maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While the law provides for freedom of speech and of the press, the government partially limited freedom of speech. There were incidents of violence, intimidation, and self-censorship in the press.

The Union of Armenian Aryans' leader was found guilty of inciting public hostility and given a three-year suspended sentence (see section 2.c.).

Most newspapers were privately owned with the exception of government-sponsored *Hayastani Hanrapetutyun* and its Russian-language version *Respublika Armenii*. The independent media were active and expressed a wide variety of views without restriction, but no newspaper was completely independent of patronage from economic or political interest groups or individuals. Because of low newspaper circulation, most people relied on television and radio for news and information. Nationwide, there were fewer than 20 radio stations and more than 45 television

broadcasters, most privately operated. In the capital and regional cities, private television stations offered generally independent news coverage of good technical quality; however, the substantive quality of news reporting on television and radio varied due to self-censorship by journalists and the stations' dependence on patronage. Major broadcast media outlets generally kept to progovernment lines. Economic pressure on broadcast media was more common than outright political pressure, including authorities requesting bribes, and advertising revenues used to influence programming. Senior officials within President Robert Kocharian's office continued to provide policy guidance to Public Television of Armenia (H1). While its coverage was mostly factual, H1 avoided editorial commentary or criticism of the government.

In 2003 Kentron TV, a progovernment national television channel was awarded a broadcast frequency that belonged to A1-Plus, one of the country's last independent television stations. Observers alleged the decision was politically motivated, due to A1-Plus' previous criticism of the Kocharian administration. A1-Plus unsuccessfully sought to resume broadcasting after losing its license in 2002.

International media outlets generally operated freely in the country. However, RFE/RL broadcasts were periodically inaudible for three days beginning on the day of the constitutional referendum. State-run Armenian Public Radio claimed in a statement that the disruptions were due to technical problems, but some observers alleged the disruptions were politically motivated. RFE/RL did not lodge an official complaint.

Harassment of journalists remained a problem. There were unconfirmed reports of incidents of harassment and intimidation of journalists outside the capital.

In contrast with the previous year, there were no reports of police beating journalists. The Ministry of Foreign Affairs noted in a public document that one case involving possible violence against a reporter was under investigation, although at year's end the circumstances surrounding the case were unclear.

A man sentenced to six months' incarceration in October 2004 for assaulting a journalist seeking to photograph property owned by a member of parliament was immediately released from court custody and, by year's end, had not served his sentence.

There was no official censorship; however, there were continued reports of intimidation of journalists, and some print journalists continued to practice self-censorship to avoid problems with the government and because of pressure from official sources.

During the year there were no charges brought against journalists for libel of a public official.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, but there were some limits on this right. On October 31, the government issued amendments to the April 2004 law on meetings, assemblies, rallies, and demonstrations, in response to criticism levied by opposition parties, journalists, and human rights activists. The amendments clarified technical restrictions and removed several sites from the list of venues, outlined by the 2004 law, where protests are prohibited. Per the law and amendments, organizers are no longer required to obtain a government permit to stage a rally or demonstration, but are still required to notify authorities in advance of their plans for such events. However, there are limits on the locations where demonstrations can be held without permission, for example military installations and sensitive power generation facilities. The law also empowers police to break up illegal rallies and demonstrations, particularly those that encourage violence and the overthrow of the government. In practice during the year police did not break up demonstrations. In addition the amendments simplify notification procedures, allow spontaneous mass gatherings, and remove television and radio stations and the central bank from the list of facilities around which groups are prohibited from gathering. The law also removes specific timeframes within which security officials must suggest alternative arrangements for unapproved organized gatherings.

Prior to the amendments, authorities often denied requests from opposition parties for permits to organize rallies and demonstrations in the capital and other cities. The government did not interfere when small rallies took place without permission.

An April 20 rally organized by the New Times Party in Sevan was disrupted when a scuffle between progovernment and opposition supporters ended in a nonfatal shooting. New Times Party leader Aram Karapetyan accused government authorities of initiating the violence and called for an investigation. Other observers, including the police, opposition members and pro-government parties blamed

Karapetyan for staging an unauthorized event that endangered the public. By year's end there were no developments in the investigation.

There were reports that government authorities hindered political party meetings and pressured property owners to evict opposition parties from meeting facilities. On May 10, Aram Karapetyan announced his party had been evicted from its headquarters in Yerevan after government officials pressured the landlord to evict him.

Freedom of Association.—The law provides for freedom of association, and the government generally respected it in practice. Registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome, exacting, and time-consuming. The law stipulates the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies. As in previous years, no human rights groups or political organizations reported problems with registration.

c. Freedom of Religion.—Although the law provides for freedom of religion, there were some restrictions in practice. The Armenian Apostolic Church has formal legal status as the national church, and consequently enjoys privileges not afforded to other faiths. The law grants specific rights to minority religious groups that register with the government, such as the right to publish newspapers or magazines, rent meeting places on government property, broadcast television or radio programs, and sponsor official visitors. Unregistered religious organizations may only import small quantities of religious literature for private use. The law also requires all religious organizations, except the Armenian Apostolic Church, to obtain prior permission to engage in public religious activities, travel abroad, or to invite foreign guests to the country. Religious groups did not have problems with registration.

The law prohibits proselytizing—which is left undefined in the law—by minority religions, and bans foreign funding for foreign-based churches; neither ban was enforced. On July 13, officials of the Church of Latter-day Saints reported that police officers briefly detained, harassed, and threatened two foreign missionaries. The missionaries said that one of the officers, after warning them to leave the country, placed the barrel of his gun against the missionary's head and pulled the trigger. Church officials filed a police report, and the government opened an investigation. According to the Department of Religious Affairs and Minorities, Armenian Apostolic Church officials filed a counter-complaint against the Church of Latter-day Saints within a week of the incident, alleging the missionaries were illegally proselytizing on church grounds. Police officials claimed the officers questioned the missionaries and asked them to stay away from the church. On October 4, a police inspector sent representatives of the Church of Jesus Christ of Latter-day Saints a letter informing members that the National Police intended to drop the investigation and leave the incident unresolved.

Societal Abuses and Discrimination.—Societal attitudes toward most minority religions were ambivalent. Yezidi leaders reported that police and local authorities subjected their religious community to discrimination.

According to observers, the general population viewed “nontraditional” religious groups with suspicion and expressed negative attitudes about Jehovah's Witnesses, because they misunderstood their proselytizing practices and the Jehovah's Witnesses refused to serve in the military. Jehovah's Witnesses continued to experience occasional societal discrimination.

The government does not provide official figures for religious adherents, but Jewish community leaders estimated the community's number at between 500 and 1 thousand. The Jewish community reported several incidents of verbal harassment during the year, but that such incidents had decreased from previous years.

The director of ALM TV frequently made anti-Semitic remarks on the air, and the Union of Armenian Aryans, a small, ultranationalist group, called for the country to be “purified” of Jews and Yezidis (see section 5). Union of Armenian Aryans leader Armen Avetisyan told a newspaper in January that Jewish communities endangered the future of the nation. On March 18, a Yerevan court found him guilty of inciting public hostility and issued a three-year suspended sentence.

In contrast with the previous year, there were no reports of individuals or groups distributing anti-Semitic literature.

The few Muslims who remained in the country after the Nagorno-Karabakh conflict kept a low profile. Approximately one thousand Muslims resided in the capital. There was no formally operating mosque, although one surviving 18th century mosque in the capital remained open for Friday prayers without government interference, although it was not officially registered.

Jehovah's Witness representatives reported that conscripted adherents continued to be targeted by fellow conscripts and military officers for ridicule, physical abuse and demeaning work assignments (see section 1.c.).

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within The Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, but there were some restrictions in practice.

The government generally did not restrict internal movement. Corruption and an inefficient bureaucracy hindered citizens' efforts to register changes (such as adoptions, births, deaths, marriages, voter registration) with the Office of Civil Registration.

To leave the country on a temporary or permanent basis, citizens must obtain an exit visa. Exit visas may be routinely purchased at a cost of approximately \$2.00 (1,000 AMD) for each year of validity, and may be purchased when a passport is issued for the entire term of validity of the passport. Citizens who opted not to purchase the appropriate visa, but attempted to depart the country, were not permitted to leave. According to some citizens, authorities used the exit permit process to exact unofficial fees which, by some accounts, totaled hundreds of dollars.

Permission to depart the country may be denied to persons who possess state secrets, are subject to military service, are involved in pending court cases, or whose relatives have lodged financial claims against them. Men of military age who have not completed service requirements must overcome substantial bureaucratic obstacles to travel abroad, including excessive delays in processing and officials soliciting unofficial fees for exit stamps.

The law does not prohibit forced exile, but there were no reports that the government employed it.

Internally Displaced Persons (IDPs).—In September the Norwegian Refugee Council reported that 8,399 internally displaced persons (IDPs) lived in the country. During the country's war with Azerbaijan, the government evacuated approximately 65 thousand households from the border region, but most returned or settled elsewhere. Of the 8,399 remaining IDPs, almost two-thirds could not return to their villages, which are surrounded by Azeri territory, and others chose not to return due to socio-economic vulnerability and a fear of landmines. IDPs enjoyed full rights as citizens, but the government did not provide special programs to help them adjust to their new surroundings. IDPs had access to international assistance programs and there were no reports of abuse of IDPs.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to most refugees. In practice the government generally provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum during the year.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol and provided it to 50 persons during the year. Most of these individuals were ethnic Armenians fleeing war in Iraq.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

There was an established procedure for granting asylum, but a combination of frequent rotations of inexperienced border officials—which included Russian border guards (who guard borders with non-former Soviet countries, based on a bilateral agreement)—and little training on asylum issues at times caused delays at airports and land borders. International organizations asserted that Russian border guards likely come into first contact with would-be asylum-seekers, unknown to either the government or UNHCR, at the borders shared with Turkey and Iran, as well as at the main international airport in Yerevan, and refuse entry.

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

Although the law provides citizens with the right to change their government peacefully, the right was restricted in practice due to repeated flaws in the conduct of elections.

Elections and Political Participation.—International observers found the 2003 presidential and parliamentary elections to be well below international standards. There were serious irregularities, including ballot box stuffing, discrepancies in vote counts, partisan election commissions, and wide use of public resources to support the incumbent president. Domestic observers noted similar irregularities in local elections in September and October.

On November 27, a series of constitutional amendments were approved by a national referendum. The amendments included such changes as provisions that the president no longer may dismiss the prime minister without a parliamentary no-confidence vote, and the president's candidate for prime minister must now be supported by a parliamentary majority, and provided for increases in judicial council independence to lessen presidential influence on judicial appointments and dismissals. While these amendments represent a step toward establishing a system of democratic institutions with checks on the power of the president and a more independent judiciary, international and domestic observers noted election abuses marred the referendum. Domestic observers also criticized the "insufficient" level of public inclusion in developing the amendments. While the balloting was conducted mostly without incident, Council of Europe observers reported discrepancies between the reported results and the apparent lack of turnout. Domestic observers reported ballot stuffing, unauthorized individuals accompanying voters to the voting booths and ballot boxes to instruct them on how to vote, and intimidation of opposition observers. Further, the government declined to invite the Organization for Security and Cooperation in Europe (OSCE) to observe the voting process.

Of the 131 seats in the parliament, 96 were occupied by pro-government parties or deputies that make up the governing coalition. Opposition parliamentarians suspended an 18-month boycott of parliament to participate in floor debates on constitutional amendments, but refused to participate in subsequent parliamentary votes. In February 2004 opposition deputies had initiated their boycott of parliamentary sessions, after the governing coalition refused to consider a motion to adopt a national referendum on the presidential administration.

On May 19, the parliament passed legislation amending the electoral code to increase the number of parliamentary seats apportioned on the party list basis, to nominally curtail the president's authority to appoint members of electoral commissions, and to reform the way the government compiles voter lists.

Authorities harassed opposition supporters, including by using politically motivated arrests. On June 30, NSS officers closed an international NGO training session for members of the local branch of an opposition party in Armavir. Authorities confiscated training materials and reportedly harassed event organizers. In the week following the marred November constitutional referendum the government detained, for several hours at a time, approximately 50 opposition supporters participating in modest opposition rallies.

There were 7 women in the 131-seat parliament but none in the cabinet.

There were no members of ethnic minorities in the parliament or cabinet.

Government Corruption and Transparency.—Corruption was perceived to be widespread. According to a September 2004 opinion survey by a local research institute, a large majority of citizens believed that corruption exists "in all spheres and at all levels" in the country. A similar survey in 2003 indicated that citizens believed that corrupt authorities were not truly committed to fighting corruption.

During the year the special anticorruption commission primarily focused on establishing its internal organizational procedures. Anticorruption NGOs noted the council rarely met and, by year's end, made no appreciable progress toward implementing the government's 2003 anticorruption strategy.

According to the government, during the year the courts prosecuted 165 suspects, including 64 government officials, under anticorruption laws, issuing 58 convictions; other cases were ongoing at year's end.

The law provides for access to and transparency of information as well as its dissemination, but in practice the government rarely provided access. Most journalists and officials remained unaware of the law's provisions.

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

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

During the year more than 20 independent, local religious and human rights organizations operated in the country, including: the Armenian Helsinki Committee, the Civil Society Institute, Helsinki Foundation, Hope and Help, International Red Cross, Junior Achievement, Mission Armenia, Open Society Institute, and Transparency International. The government, while not proactively seeking meetings, did not deny requests to meet with domestic NGO monitors.

At year's end there was no significant progress, and none expected, in the investigation into the March 2004 incident in which Mikael Danielyan, the director of a

human rights organization, was beaten by four unidentified people. Danielyan had given a controversial interview to an Azerbaijani newspaper.

The government was generally cooperative with international NGOs. There were no reports of government harassment of international human rights NGOs.

The human rights ombudsman office suggested remedies to responsible government agencies in response to reported human rights violations and published a report on the country's human rights record. The country's first human rights ombudswoman complained that government interference, including a constitutional court ruling to limit her powers, limited her ability to implement recommendations. During the year the ombudswoman unveiled the government's first human rights website and released a series of reports of human rights complaints received by the ombudsman's office—around 1,500—the majority of which involved the police, labor and social affairs ministry, and municipalities. The ombudswoman said staffing and budgetary constraints hampered her ability to respond to the complaints. In 2004 the OSCE criticized the ombudsman's office as suffering from internal disorganization and a perceived lack of independence from the government during its first year of operation. The ombudswoman acknowledged the report's recommendation to improve the office's operations. The ombudswoman complained that a May constitutional court ruling—which found that the office did not have constitutional authority to interfere in ongoing court cases, request information about ongoing court cases, or make recommendations to the court—considerably restricted her powers.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but there was societal discrimination against women, ethnic minorities, persons with disabilities, and homosexuals.

Women.—There is no law against domestic violence. Few cases of spousal abuse or other violence against women were reported during the year, although such violence was believed to be widespread. While there is no recent information on the extent of the problem, a 2001 survey found that 45 percent of the (female) respondents acknowledged that they were subjected to psychological abuse, and 25 percent considered themselves victims of physical abuse. Most cases of domestic violence were not reported to police because victims were either afraid of physical harm, fearing police would return them to their husbands or were embarrassed to make family problems public. Several NGOs in the Yerevan and Gyumri areas and in Martuni provided shelter and assistance to battered women; however, it was rare for battered women to have psychological or legal counseling.

Rape, including spousal rape, is illegal and carries a maximum 15 years' imprisonment. By year's end authorities registered approximately 50 cases of rape and attempted rape. According to the prosecutor general's office, authorities identified and prosecuted 21 suspects in rape cases.

Prostitution and sex tourism are not illegal, but operating brothels is prohibited. Operating a brothel and other forms of pimping are punishable by one to ten years' imprisonment. According to the NGO Hope and Help, there were between 5 and 6 thousand prostitutes, approximately 1,500 of them in the capital. Police and other security forces participated in or tolerated prostitution.

Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. Societal norms did not consider cases of sexual harassment worthy of legal action. Although there were no official statistics, sexual harassment appeared to be widespread.

Men and women enjoy equal legal status, although gender discrimination existed and was a continuing problem in the public and private sector. According to a survey conducted during the year in Yerevan, on average, women earned 40 percent of what men earned. Women generally were not afforded the same professional opportunities as men and often were relegated to more menial or low-skill jobs.

Children.—The government was committed to protecting children's rights and welfare, but a lack of economic means prevented it from fulfilling this commitment.

Education is free, universal, and compulsory through age 14; a secondary education is provided through age 16 (this represents a complete secondary education). According to the UN Development Program, in 2003 84 percent of students completed schooling through age 14, and 36 percent studied through age 16. Many facilities were impoverished and in poor condition. Access to education in rural areas remained poor, and work in fields during harvest season took precedence over school for many children. Lack of funding to provide for heat prompted school officials in many areas to extend winter school breaks by as long as an additional month. Many

teachers were known to demand bribes from parents in return for good or passing grades.

In the Yezidi community, a high percentage of children did not attend school, partly for economic reasons and partly because schools lacked Yezidi teachers and books in their native language. In September the government published and distributed Kurdish- and Assyrian-language primary school textbooks.

Free basic health care was available to boys and girls through age eight, but often was of poor quality, and officials often demanded overt or concealed payment for service.

Child abuse was not believed to be a serious problem and the prosecutor general's office did not report any cases during the year. However, international and domestic NGOs reported that in July, the director of a state-run education facility in Nubarashen was fired after numerous complaints that he physically abused and sexually exploited children under his supervision.

Experts believed child marriage was a problem in small Yezidi and Kurdish ethnic minority groups, but there were no reported incidents.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Child labor was not believed to be a serious problem (see section 6.d.).

During the year a local NGO reported that nationally there were approximately one thousand homeless children and that the number continued to grow. Abuse of street children did not appear to be a serious problem.

Trafficking in Persons.—The law prohibits trafficking in persons; however, women and girls were trafficked from, through, and to the country.

Trafficking in persons violations are punishable by fines of up to \$1,000 (500 thousand AMD), correctional labor for up to 2 years, or imprisonment for up to 8 years, if the crime was committed under aggravated circumstances, such as instances when the act of trafficking results in the death of a victim or victims or involves a minor. Despite prior convictions under the 2003 antitrafficking statutes, some courts continued to prosecute traffickers under pimping charges and therefore issued lighter sentences. Trafficking charges increased, however, over the latter part of the year.

On September 22, a local-level court in Yerevan sentenced Uzbek citizen Natella Saghatlyan to five years imprisonment, the country's toughest sentence to date in a human trafficking case. The NSS arrested Sahatlyan in March for trafficking Uzbek women and a girl through the country to Dubai and Bahrain. Despite the conviction, Judge Iskuhi Vardanyan made inappropriate statements about the victims, denied their legal requests for counsel, and brutally harangued them from the bench about their "willing participation."

In November the prosecutor general's office launched a criminal case on charges of trafficking against Ashot Hovsepyan, who was accused of recruiting victims from Ukraine, and Sos Meliksetyan, a local nightclub owner. Both were accused in connection with four trafficking victims discovered in a nightclub on November 16, the first clear case that the country was a destination for trafficking. Hope and Help took the victims into its shelter.

All defendants charged in October 2004 in connection with trafficking 11 women were convicted. On July 8 a judge found Lusine Hakobyan guilty of recruiting women to be trafficked to the United Arab Emirates and issued a reduced, two-year suspended sentence for pimping. Reporters and international observers asserted the judge, prosecutor, and police investigator colluded with Hakobyan to arrange a guaranteed reduced sentence and clean criminal record in return for Hakobyan's bribes.

During the year 20 defendants were charged and 10 were convicted under the trafficking statute, according to the prosecutor general's office. The remaining cases were ongoing at year's end.

A governmental interagency commission, the national police, the procuracy, and the NSS are responsible for coordinating and implementing antitrafficking policy and for combating trafficking. The government actively sought bilateral cooperation with several trafficking destination countries and regularly shared information with these partners.

Authorities reported the country is a source and transit point for women and girls trafficked primarily for sexual exploitation to the United Arab Emirates, Turkey, Russia, Uzbekistan, Greece, and other European countries. However, international and domestic NGOs reported the country was also a destination point for women trafficked for sexual exploitation, particularly from Uzbekistan.

According to the general prosecutor's office, at least 80 women were victims of trafficking in 2004. Trafficking organizations typically recruited victims with the promise of high paying work in another country. Once in the country of destination, victims were deprived of their travel documents, locked in hotel rooms, and told that

they must “repay” their expenses. There were reports of women encouraged to become recruiters for trafficking rings with a promise of keeping a percentage of their “earnings.” Prostitutes, orphans, the homeless, and those in difficult financial situations were at particular risk of being trafficked. Trafficking victims were at greatly increased risk of sexually transmitted diseases, and some reported incidents of physical violence.

Victims reported that Russian and Armenian border guards were easily bribed or commonly worked with traffickers. Some prosecutors were also reportedly complicit in trafficking. There were persistent allegations that senior members of the prosecutor general’s office were susceptible to outside influence. Some observers asserted agreements between corrupt court officials and traffickers were also common. There were persistent reports that police employees and employees of the country’s international airport assisted traffickers with transportation of victims to and through the country. Unlike in previous years, there were no arrests in these types of cases.

Upon their return many victims feared societal stigma and discrimination. Government officials did not require victims to aid in finding and prosecuting traffickers, but they worked with victims who were willing to report their cases. Judges rarely prosecuted victims for violating laws in trafficking cases, but often denied them counsel and subjected them to humiliating treatment during trials.

The NGOs International Organization for Migration (IOM) and Hope and Help operated an assistance program for trafficking victims with funding from foreign governments. The government did not offer financial assistance, but increasingly referred victims to these organizations. Authorities also established a hot line to connect victims with police; however, it only worked in certain parts of the country.

NGOs, international organizations, and the government maintained trafficking prevention activities, primarily education and mass media programs to raise public awareness. International organizations trained the government’s consular corps to identify signs of trafficking.

Persons with Disabilities.—Whereas the law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, discrimination was a problem. The law and a special government decree mandate accessibility to buildings for persons with disabilities, but in practice very few buildings and other facilities were accessible to them.

Institutionalized patients often lacked medication, and care was substandard. Hospitals, residential care, and other facilities for persons with serious disabilities were also substandard.

The Ministry of Labor and Social Affairs was responsible for protecting the rights of persons with disabilities but lacked the resources to fulfill this responsibility.

National/Racial/Ethnic Minorities.—The Yezidi community, whose number was estimated at between 30 and 40 thousand by its leaders, speak a Kurdish dialect and practice a religion derived from Zoroastrianism, Islam, and animism. Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination, including: incidents of unfair adjudication of land, water, and grazing disputes; hazing of Yezidi conscripts in the army; and poor police response to serious crimes committed against Yezidis (see sections 1.c. and 2.c.). According to Yezidi community leaders, appeals on their behalf were raised at all levels of the government with no response and none expected.

Other Societal Abuses and Discrimination.—Military officers targeted homosexuals for hazing. The Helsinki Association reported cases of police harassment of homosexuals through blackmail, extortion, and, on occasion, violence. In 2004 Armen Avetisyan of the Union of Armenian Aryans launched a campaign to expose homosexuals within the government.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers, except for those serving in the armed services and law enforcement agencies (see section 2.b.), with the right to form and to join unions of their choice without previous authorization or excessive requirements, but most workers did not exercise this right in practice. Labor organizations remained weak because of high unemployment and poor economic conditions in the country. The Confederation of Labor Unions (CLU) estimated there were 290 thousand members of 25 labor unions, about the same number as reported the previous year. There were also other labor unions which did not belong to the CLU.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right. Although the law provides for collective bargaining, in practice there was no collective bargaining. Factory directors generally set pay scales without consulting employees. Labor disputes were arbitrated in regular or economic courts.

The law provides for the right to strike, except for members of the armed services and law enforcement, but workers rarely went on strike. The law also prohibits retaliation against strikers. On June 3, however, Ararat Gold Recovery Company (ARGC) fired 24 employees at ARGC's gold mining facility near Zod, allegedly for organizing a May 11 strike over wage and workplace safety issues. ARGC initially dismissed 463 employees and required them to reapply for their positions; it did not rehire 11 employees who were members of the Lernagorts Labor Union and 13 unaffiliated employees. Four sued ARGC for reinstatement; their cases were pending at year's end. ARGC maintains it fired the employees on legitimate grounds.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16; children may work from age 14 with parental and labor union permission. The law was unevenly enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are prohibited from working overtime or in harmful and dangerous conditions, at night, and on holidays.

According to the Ministry of Labor and Social Affairs, many children were involved in family businesses, as well as in other activities, such as agriculture, which is not prohibited by law. Children were also observed in Yerevan selling newspapers and flowers, and working in local markets.

e. Acceptable Conditions of Work.—The government sets the minimum wage by decree. The monthly minimum wage of approximately \$26 (13 thousand AMD) did not provide a decent standard of living for a worker and family. Approximately 43 percent of the population lived below the poverty line of about \$60 (30 thousand AMD) or less per month. An estimated 15 percent of the population was considered extremely poor, with a monthly income of less than \$30 (15 thousand AMD). The government did not effectively enforce the minimum wage law.

The law sets the workweek at 40 hours and provides for mandatory rest periods and overtime compensation. On April 19, the State Labor Inspectorate officially replaced the Ministry of Labor and Social Affairs as the government's chief enforcement agency for workers' rights, occupational health, and safety standards. By year's end the inspectorate had made little progress toward implementing an inspection regime or the requirements of the new labor code.

Workers had the right to remove themselves from work situations that endangered health and safety, although in practice, doing so likely jeopardized their future employment, especially for those persons who worked in the shadow economy. The law requires the government to set occupational and health standards, but by year's end the government had not adopted standards.

AUSTRIA

Austria is a parliamentary democracy with constitutional power shared between the popularly elected president and the bicameral Federal Assembly (parliament). The country's eight million citizens choose their government representatives in periodic, free, and fair multiparty elections. In April 2004 voters elected President Heinz Fischer of the Social Democratic Party of Austria (SPO) to a six-year term. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- police abuse and use of unjustified force against prisoners
- anti-Semitic incidents, including physical attacks, name-calling, property damage, and threatening letters, telephone calls, and internet postings
- governmental and societal discrimination against Muslims and members of unrecognized religious groups, particularly those considered "sects"
- incidents of neo-National Socialist, rightwing extremism, and xenophobia
- trafficking of women and children for prostitution and labor

RESPECT FOR HUMAN RIGHTS

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

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

In November a Vienna court found a doctor and policeman guilty of negligence in the death of Cheibani Wague of Mauritania while in police custody in 2003. The Council of Europe's Committee for the Prevention of Torture (CPT) reported that police officers apparently stood on the man with both feet as he was being restrained, cuffed, and injected with a sedative. The International Helsinki Federation for Human Rights (IHF) faulted the Ministry of Interior for refusing to include the Human Rights Advisory Council, which monitors police observance of human rights, in the investigation of the case. The two men received suspended seven-month prison sentences. The court acquitted five policemen and three ambulance crewmembers in the case, because it could not determine without a doubt that their actions caused Wague's death. The court also found two other police officers not guilty because of their insufficient experience and training at the time of the incident.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police beat and abused persons.

On July 15, the CPT reported receiving a "considerable number" of allegations that police mistreated criminal detainees, primarily in Linz and the surrounding area, during its April 2004 fact-finding mission. The CPT expressed particular concern over allegations by juvenile detainees, as young as fourteen, of physical abuse and threats by police in order to obtain confessions. The reported abuse included slaps, punches, kicks, blows to the head, prolonged and tight handcuffing, and combined use of hand and ankle cuffs linked together for lengthy periods. In several cases, members of the CPT delegation found marks consistent with allegations that handcuffs had been applied tightly. The Interior Ministry investigated these cases but concluded that none of the accusations could be verified.

At year's end the government continued to deny an extradition request from Kosovo authorities in the case of a police officer convicted in absentia for torture while serving in Kosovo's civilian international police in 2003. The officer was recalled from Kosovo and allowed to remain on duty during the investigation.

There were no reports during the year that army officials mistreated conscripts. In 2004 there were 22 disciplinary charges filed with the Ministry of Defense against army officers for alleged mistreatment of conscripts during drill exercises in December 2004. Of these, 21 were dropped, and one army officer was suspended from duty. The head of the *ad hoc* parliamentary complaints commission claimed that there was a lack of support by the Defense Ministry for his commission's work.

Prison and Detention Center Conditions.—Prison conditions generally met international standards in many areas, and the government permitted visits by independent human rights observers. However, the CPT noted that juveniles were not always separated from adults at the Linz prison. Some human rights observers criticized the incarceration of nonviolent offenders, such as persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, the strict application of slander laws tended to discourage reports of police abuse.

Role of the Police and Security Apparatus.—On July 1, the police and gendarmerie were merged into a single police force that is responsible for maintaining internal security. The restructuring reduced the country's 43 police command structures to 9, corresponding to the 9 federal states. The Ministry of Interior controls the police, while the Ministry of Defense controls the army, which is responsible for external security. The police were generally well trained and disciplined.

There were no reports of police corruption. Government statistics for 2004 showed 1,167 complaints against federal police officials; of those, 1,094 were dropped. In 16 court cases, 2 officers were convicted of using unjustified force; 11 cases were pending at the end of the year. Some police violence appeared to be racially motivated (see section 5). Nongovernmental organizations (NGOs) and other groups continued to criticize the police for targeting minorities. During the year the Interior Ministry conducted racial sensitivity training programs for over 2,000 police and other officials with NGO assistance.

The Human Rights Advisory Council monitors police respect for human rights and makes recommendations to the minister of the interior. During the year the council

issued three specific recommendations that police must have valid reasons for investigating human rights defenders, that facilities housing individuals prior to deportation must meet all minimum standards, and that the government establish a committee to advise the Interior Ministry on standards regarding human rights defenders.

Arrest and Detention.—In criminal cases the law provides for investigative or pre-trial detention for up to 48 hours; an investigative judge may decide within that period to grant a prosecution request for detention of up to two years pending completion of an investigation. The law specifies grounds required for such investigative detention and conditions for bail. The investigative judge is required to evaluate such detention periodically. There is a system of bail. The police and judicial authorities respected these laws in practice. Detainees also had prompt access to a lawyer; however, the CPT noted in April 2004 that criminal suspects who lack the means to pay for legal services may be appointed an ex officio lawyer only after the court's decision to detain them, i.e. 96 hours after their apprehension.

There were no reports of political detainees.

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

The court system consists of local, regional, and higher regional courts, as well as the Supreme Court. The Supreme Court is the highest judicial body, while the Administrative Court acts as the supervisory body over administrative acts of the executive branch. The Constitutional Court presides over constitutional issues.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The system of judicial review provides for extensive possibilities for appeal. Trials must be public and conducted orally. Persons charged with criminal offenses are considered innocent until proven guilty. Defendants have the right to be present during trials. While pro-bono attorneys are supposed to be provided to indigent defendants, the CPT in its April 2004 report found that in general there were not enough lawyers in criminal matters, financial arrangements were inadequate, and lawyers were not available around the clock. The report concluded that, as there is no effective system of free legal aid for indigent persons in police custody, any right of access to a lawyer at that stage remains, in most cases, purely theoretical.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, the strict application of slander laws tended to discourage reports of police abuse. Foreign observers criticized the use of libel procedures to protect politicians, which they argued hampered freedom of speech and the press. Persons convicted of libel cannot appeal to the Supreme Court.

In November authorities arrested British historian David Irving on the basis of a 1989 Vienna regional court arrest warrant. The public prosecutor charged Irving with violating the law banning neo-Nazi activities. In 1989 Irving reportedly denied the existence of gas chambers at Auschwitz and claimed that unknown individuals dressed in *Sturmabteilung* uniforms committed the *Reichskristallnacht* crimes in November 1934. In November a judge denied bail to Irving, who remained in protective custody at year's end. The court scheduled a second hearing on Irving's preventative detention for January 29, 2006 and set a trial to begin on February 20, 2006. Under the law Irving could be sentenced to up to 10 years in prison if convicted.

In December Justice Minister Gastinger approved the Vienna public prosecutor's request to move forward on an indictment against John Gudenus, a former Freedom Party member of the upper house of parliament, for violating the law banning neo-Nazi activity. In April Gudenus publicly questioned the existence of gas chambers and belittled the suffering of concentration camp inmates during the Holocaust. Gudenus could be sentenced to up to 10 years in prison if convicted.

In December a court in the province of Tirol sentenced a 20-year-old man to two months in prison for using an oath of loyalty to Adolf Hitler as a greeting on his cell phone.

The independent media were active and expressed a wide variety of views without restriction.

There were no government restrictions on the Internet or on academic freedom.

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

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

The law divides religious organizations into three legal categories: officially recognized religious societies, religious confessional communities, and associations. Numerous unrecognized religious groups have complained that the law obstructs legitimate claims for recognition and relegates them second-class status. At year's end the European Court of Human Rights had not ruled on a 2003 complaint by Jehovah's Witnesses challenging the legality of the requirement that a group must exist for 10 years in the country before it can be recognized by the government.

The conservative Austrian People's Party (OVP) denied party membership to members of unrecognized religious groups, which it considered "sects," if the sect holds a view of mankind fundamentally different from the party's, advocates opinions irreconcilable with the OVP's ethical principles, or rejects basic rights granted by progressively minded constitutional states and in an open society. The OVP denied membership to members of the Church of Scientology.

The Ministry for Social Security and Generations and the city of Vienna funded a counseling center of a controversial NGO, the Society Against Sect and Cult Dangers (GSK), which actively worked against sects and cults. GSK distributed information to schools and the general public and offered counseling to persons who believe that sects and cults had hurt their lives.

The federal office of sect issues functioned as a counseling center for those who had questions about sects and cults. While the office is legally independent of the government, the minister for social security and generations appointed and supervised its director. Some members of the public believed the office of sect issues and similar government offices fostered societal discrimination against unrecognized religious groups.

Societal Abuses and Discrimination.—There was some societal discrimination against members of unrecognized religious groups, particularly those considered to be "cults" or "sects." The majority of these groups have less than 100 members. The Church of Scientology and the Unification Church were among the larger unrecognized groups.

Muslims complained about incidents of societal discrimination and verbal harassment, including occasional incidents of discrimination against Muslim women wearing headscarves in public.

The Jewish community has approximately 7,700 members. From January through mid-December, the NGO Forum Against Anti-Semitism reported 134 anti-Semitic incidents, including physical attacks, name-calling, graffiti or defacement, threatening letters, anti-Semitic Internet postings, property damage, and vilifying letters and telephone calls. The European Union Monitoring Center on Racism and Xenophobia declared that anti-Semitism in the country was characterized by diffuse and traditional anti-Semitic stereotypes rather than by acts of physical aggression.

The law prohibits any form of neo-Nazism or anti-Semitism or any activity in the spirit of Nazism. It also prohibits public denial, belittlement, approval, or justification of Nazi crimes, including the Holocaust. The law prohibits public incitement to hostile acts, insult, contempt against a church or religious society, or public incitement against a group based on race, nationality, or ethnicity, if that incitement poses a danger to public order. The government strictly enforced the law against neo-Nazi activity. The Vienna Jewish community's offices and other Jewish community institutions in the country, such as schools and museums, were under increased police protection.

During the year authorities indicted and arrested British historian David Irving and indicted a former member of the upper house of parliament for alleged statements concerning events during the Holocaust (see section 2.a.).

Secondary school history and civics courses discussed the Holocaust. Religious education classes taught the tenets of different religions and fostered overall tolerance. The education ministry offered special teacher training seminars on the subject of Holocaust education. An education ministry program allowed Holocaust survivors to speak to classes about Nazism and the Holocaust.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and the government did not use it in practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum and subscribed to a “safe country of transit” policy, which required asylum seekers who transited a country determined to be “safe” to return to that country to seek refugee status. While the government has in the past also provided temporary protection to individuals who did not qualify as refugees under the 1951 convention or 1967 protocol under a mechanism whereby victims of armed conflict may be admitted to the country, it did not do so during the year. The government cooperated with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

In May 2004 a new law entered into force that expedited the asylum claim process by requiring a first determination to be made within 72 hours of the filing of a claim; this is part of the initial 20-day screening set up to determine whether a claim is justified. The government may deport applicants whose claims are found to be unjustified, including in cases where an applicant has asked for asylum in a third country or filed follow-up applications. All other applications are to be forwarded to the federal asylum office for review. In October 2004 the Supreme Court struck down certain provisions of the new law as unconstitutional. The Federal Assembly amended the law in July to address these concerns, but the Human Rights Advisory Council has criticized provisions in the new law that facilitate the removal of applicants who do not qualify for asylum.

In April a 22-year-old Armenian asylum seeker was badly injured in a brawl outside the Traiskirchen refugee camp; the incident reportedly took place in connection with a family feud. In February a jury acquitted a male guard accused of raping an asylum seeker at the Traiskirchen refugee camp in January 2004.

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

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

Elections and Political Participation.—In April 2004 voters elected President Heinz Fischer of the SPO to a six-year term in national elections in which individuals could freely declare their candidacy and stand for election. In 2002 the OVP received a plurality in parliamentary elections and renewed its right-center coalition with the Freedom Party (FPÖ). In April the Future Alliance Austria broke away from the FPÖ, but remained a junior partner with the OVP in the coalition government.

The Federal Assembly consists of the National Council and the Federal Council. There were 59 women in the 183-seat National Council and 18 women in the 62-member Federal Council. There were 6 women in the 12-member Council of Ministers (cabinet).

Although there appeared to be relatively little minority representation at the national level, no precise information on the number of minorities in the Federal Assembly was available.

Government Corruption and Transparency.—There were no reports of government corruption during the year.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but some groups were dissatisfied with the information supplied by authorities in response to specific complaints.

The Human Rights Advisory Council, composed of representatives from the justice and interior ministries and NGOs, operated to ensure that police respected human rights while carrying out their duties. However, the IHF characterized the council as ineffective and unable to obtain the cooperation of the security services, citing

the Interior Ministry's refusal to include the council in the investigation of the 2003 death of Cheibani Wague and the Federal Criminal Office's 2004 opening of an investigation of two human rights lawyers affiliated with the council for their activities on behalf of Chechen refugees. The IHF charged that the prosecution of the two lawyers was initiated both to intimidate them and to exert pressure on the council. The opposition political parties criticized the council for being too dependent on the Interior Ministry for funding and personnel appointments. The chairman of the council suggested that the council instead report to the federal chancellery or parliament.

The July 2004 equal treatment law expanded the responsibility of the ombudsman to ensure equal opportunity in the workplace and access to social benefits and public services regardless of ethnic origin, religion, age, or sexual orientation. The law went into effect in 2004, and the ombudsman began its work addressing the new grounds on March 1. According to preliminary government figures, during the year more than 500 complaints on the new grounds were filed.

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

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions effectively; however, violence against women, child abuse, trafficking in persons, and racial discrimination were problems.

Women.—Violence against women, including spousal abuse, was a problem. The Association of Houses for Battered Women estimated that one-fifth of the country's 1.5 million adult women have suffered from violence in a relationship. However, media reports estimated that fewer than 10 percent of abused women filed complaints. The law provides that police can expel abusive family members from family homes for up to three months. In 2004 an injunction to prevent abusive family members from returning home was applied in 4,764 cases. Authorities prosecuted 5,612 cases of domestic violence in 2004.

The government funded privately operated intervention centers and help lines for victims of domestic abuse. The centers provided for the victims' safety, assessed the threat posed by perpetrators, helped victims develop plans to stop the abuse, and provided legal counseling and other social services.

Under the law, rape, including spousal rape, is punishable with up to 15 years in prison.

Although there were no reported cases of female genital mutilation (FGM), the city of Vienna set up a counseling office in June to assist female immigrants from African countries who were victims of FGM.

Prostitution is legal; however, illegal trafficking, including for the purposes of prostitution, was a problem (see section 5, Trafficking). Laws regulating prostitution require prostitutes to register, undergo periodic health examinations, and pay taxes.

The law prohibits sexual harassment, and the government effectively enforced those laws. Of the 4,558 cases brought to the ombudsmen for equal opportunity in 2004, 541 involved sexual harassment. According to preliminary government figures, 4,300 sexual discrimination cases were brought to the ombudsman during the year. The labor court can order employers to compensate victims of sexual harassment on the basis of the Federal Equality Commission's finding on the case; the law provides that a victim is entitled to a minimum of \$840 (700 euros) in financial compensation.

There are no legal restrictions on women's rights and the Federal Equality Commission and a federal commissioner for equal treatment oversee laws prescribing equal treatment of men and women. However, on average, women earned 82 percent of what men earn for the same work. Women were more likely than men to hold temporary positions and part-time jobs and also were disproportionately represented among those unemployed for extended periods.

Although labor laws provide for equal treatment of women in the civil service, women remained underrepresented. The law requires the government to hire women of equivalent qualifications ahead of men in all civil service areas in which less than 40 percent of the employees are women, including police. There are no penalties, however, for agencies that fail to attain the 40 percent target.

Female employees in the private sector may invoke equality laws prohibiting discrimination of women. The Federal Equality Commission may award compensation of up to four months' salary to women who experienced discrimination in promotion because of their gender. The commission may also order compensation for women who were denied a post despite having equal qualifications.

Children.—The law provides for the protection of children's rights, and the government was committed to children's rights and welfare. Each state government and the federal Ministry for Social Welfare, Generations, and Consumer Protection has

an ombudsman for children and adolescents whose main function is to resolve complaints about violations of children's rights. The ombudsman provides free legal counseling to children, adolescents, and parents on a wide range of problems, including child abuse, child custody, and domestic violence.

Nine years of education is mandatory for all children beginning at age six. The government also provided free education through secondary school and subsidized technical, vocational, or university education. According to the Ministry of Education, 99.8 percent children between the ages of 6 and 15 attended school. The government provided comprehensive medical care for children.

Child abuse was a problem, and the government continued its efforts to monitor abuse and prosecute offenders. The Ministry for Social Welfare, Generations, and Consumer Protection estimated that 90 percent of child abuse cases occurred within families or was committed by close family members or family friends. Law enforcement officials noted a growing readiness to report abuse cases. According to authorities, approximately 20,000 abuse incidents are reported annually in the country.

There were occasional cases of suspected child marriage, primarily in the Muslim and Romani communities. However, such cases were undocumented. Some male immigrants entered into a marriage with a teenage girl in their home country, and then returned to Austria with her.

The law provides that adults having sexual intercourse with a child under 14 may be punished with a prison sentence of up to 10 years. If the victim is impregnated, the sentence may be extended to 15 years. In 2004 the Interior Ministry reported 1,504 cases of child abuse, most involving intercourse with a minor, while the Justice Ministry reported 332 convictions. The law provides for criminal punishment for the possession, trading, and private viewing of child pornography. Exchanging pornographic videos of children is illegal.

Trafficking of children remained a problem (see section 5, Trafficking).

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Women were trafficked for sexual exploitation and domestic service, and children were trafficked for begging and possibly for sexual exploitation.

The law provides for the prosecution of traffickers and addresses trafficking for prostitution through deception, coercion, or the use of force; for the purposes of slavery; for the exploitation of labor; and the exploitation of aliens.

Trafficking is illegal and punishable by imprisonment for up to 10 years. In 2004 there were 402 trafficking cases involving 348 suspects and 44 convictions for human trafficking. Trafficking for purposes of slavery is punishable by imprisonment for 10–20 years. The perpetrators of human trafficking included both citizens, who were generally connected with licensed brothels, and foreign nationals, who are involved primarily with unlicensed brothels. Authorities estimated that organized crime groups from Eastern Europe controlled a large portion of human trafficking in the country. The police were also aware of cooperation between Austrian and foreign citizens in organizing the transfer of foreign prostitutes through the country.

The Interior Ministry's Federal Bureau for Criminal Affairs has a division dedicated to combating human trafficking. Law enforcement officials maintained contact with authorities in countries of origin to facilitate the prosecution of suspected traffickers. During the year there were no reports that the government extradited any persons wanted for trafficking crimes in other countries.

The country was a transit and destination point for women trafficked from Romania, Ukraine, Moldova, the Balkans, and, to a lesser extent, the Czech Republic, the Slovak Republic, and Hungary. Women were trafficked into the country primarily for the purpose of sexual exploitation. Women also were trafficked from Asia and Latin America for domestic labor. In 2004, police noted an increase in the trafficking of Bulgarian children for the purposes of begging and stealing. They also reported that some children were trafficked for sexual exploitation.

While there were no accurate statistics on the number of trafficking victims, the NGO LEFOE reported assisting 167 trafficking victims in 2004, up from 142 victims in 2003. The majority of traffickers arrested by police were citizens; however, the number of foreigners engaged in trafficking increased between 2003 and 2004. Police estimated that a large portion of trafficking was controlled by organized crime, primarily from Eastern Europe. The country was attractive to traffickers because of its geographic location and because it does not require entry visas for citizens of the Czech Republic, the Slovak Republic, Hungary, Romania, and Bulgaria.

Most trafficked women were brought to the country with promises of unskilled jobs, such as nannies or waitresses. Upon arrival they were often coerced into prostitution. According to police, there also were cases of women who knowingly entered the country to work as prostitutes, but were forced into dependency akin to slavery. Most victims were in the country illegally and feared being turned into authorities

and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over them. Trafficking victims reported being subjected to threats and physical violence. A major deterrent to victim cooperation was widespread fear of retribution, both in the country and in the victims' countries of origin.

The government provided temporary residence, limited to the duration of the trial, to trafficking victims who were prepared to testify or who intended to file civil law suits. However, victims rarely agreed to testify due to fear of retribution. There were no provisions to allow trafficking victims to remain in the country following their testimony; virtually all victims were repatriated.

LEFOE provided secure housing and other support for trafficking victims. The International Organization for Migration also sought to put victims in contact with NGOs in their countries of origin upon their return. With financial assistance from the Interior Ministry, LEFOE continued to operate a center in Vienna that provided psychological, legal, and health-related assistance, emergency housing, and German language courses to trafficked women. Federal and local governments funded NGOs that provided assistance in other cities.

The government worked with international organizations to carry out prevention programs throughout the region. The government funded research on trafficking and NGOs produced antitrafficking brochures, law enforcement workshops, and international conferences funded with the help of private donors.

Persons with Disabilities.—The law protects persons with physical and mental disabilities from discrimination in housing, education, employment, and access to health care and other government services, and the government generally enforced these provisions effectively. There were no reports of societal discrimination against persons with disabilities.

Federal law mandates access to public buildings for persons with physical disabilities; however, many public buildings were inaccessible to persons with disabilities due to insufficient enforcement of the law and low penalties for noncompliance.

The law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life-threatening. However, no involuntary sterilizations have been performed in recent years. The law prohibits the sterilization of minors.

The government funded a wide range of programs for persons with disabilities, including provision of transportation, assistance integrating school children with disabilities into regular classes, and assistance integrating employees with disabilities into the workplace.

National/Racial/Ethnic Minorities.—From January through July, the Interior Ministry recorded 113 incidents of neo-Nazi, rightwing extremist, and xenophobic incidents against members of minority groups. The Interior Ministry recorded 140 incidents for the first 6 months of 2004 and 229 such incidents overall in 2004. The government continued to express concern over the activities of extreme right-wing skinhead and neo-Nazi groups, many with links to organizations in other countries.

In March the domestic NGO ZARA, in conjunction with other groups, released a report which found that persons from diverse ethnic and racial backgrounds faced increasing discrimination from government officials, particularly the police, as well as in the workplace and in housing. The report cited 907 cases of alleged racial discrimination in 2004. Between January and November, ZARA recorded 950 racist incidents. The government continued training programs to combat racism and educate the police in cultural sensitivity.

Human rights groups reported that Roma faced discrimination in employment and housing. The situation of the Romani community, estimated at over 6,200 autochthonous (indigenous) and 15,000 to 20,000 non-autochthonous Roma, has significantly improved in recent years, according to the head of the Austrian Roma Cultural Association. Government programs, including providing financing for tutors, have helped school age Romani children move out of "special needs" and into mainstream classes. The government also initiated programs in recent years to compensate Romani Holocaust victims and to document the suffering of the Roma during the Holocaust.

NGOs complained that Africans living in the country experienced verbal harassment in public. In June 2004 the Council of Europe's European Commission against Racism and Intolerance noted that it had received numerous reports that black Africans were stigmatized as being involved in the drug trade and other illegal activities, and that this stigmatization had an extremely negative effect on the daily life of black persons living in the country.

The law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minority groups and requires any community, where at least 25 percent of

the population belongs to one of these groups, to provide bilingual town signs, education, media, and access to federal funds earmarked for such minorities. The law affects 148 communities. At year's end the government had not reached a decision on implementation of a 2001 Constitutional Court ruling on lowering the 25 percent threshold. The law does not provide these rights to other minority groups, such as Turks, which the government does not recognize as indigenous minorities. However, the government provided a wide range of language and job promotion courses. In December the Constitutional Court ruled that the state of Carinthia must install bilingual town signs in German and Slovene.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join unions without prior authorization or excessive requirements, and workers exercised this right in practice. No workers were prohibited from joining unions. An estimated 47 percent of the work force was organized into 13 national unions belonging to the Austrian Trade Union Federation (OGB).

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Approximately 80 percent of the workforce was under a collective bargaining agreement; the OGB was exclusively responsible for collective bargaining. The law does not explicitly provide for the right to strike; however, the government recognized the right in practice. The law prohibits retaliation against strikers, and the government effectively enforced the law.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and the government generally enforced these laws and policies effectively. The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforced this law.

There were reports of trafficking of children for begging and sexual exploitation (see Section 5).

e. Acceptable Conditions of Work.—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. The accepted unofficial annual minimum wage is \$14,880 to \$17,360 (12,000 to 14,000 euros), and it provided a decent standard of living for a worker and family. An estimated 10,000 to 20,000 workers had salaries below this level.

The law limits standard working hours to 8 hours per day and up to 40 hours per week. The standard workday may be extended to 10 hours as long as the weekly maximum is not exceeded. The law requires compulsory time off on weekends and official holidays. An employee must have at least 11 hours off between workdays. Authorities effectively enforce these provisions.

The law limits overtime to 5 hours per week plus up to 60 hours per year; however, authorities did not enforce these laws and regulations effectively, and some employers exceeded legal limits on compulsory overtime. Collective bargaining agreements may provide for higher limits.

The Labor Inspectorate regularly enforces laws that provide for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee. However, workers rarely exercised this option and normally relied instead on the chambers of labor, which filed suits on their behalf. The law provides that workers have the right to remove themselves from a job if they fear serious, immediate danger to life and health without incurring any prejudice to their job or career, and the government effectively enforced this law.

AZERBAIJAN

Azerbaijan is a republic of approximately 7.9 million persons with a presidential form of government. The president dominated the executive, legislative, and judicial branches of government. Ilham Aliyev, the son of former president Heydar Aliyev, was elected president in October 2003 in a ballot that did not meet international

standards for a democratic election due to numerous, serious irregularities. The November parliamentary elections showed an improvement in some areas but still did not meet a number of international standards. Armenian forces continued to occupy an estimated 16 percent of the country's territory, including Nagorno-Karabakh. The government did not exercise any control over developments in territories occupied by Armenian forces. The civilian authorities generally maintained effective control of the security forces. Members of the security forces committed numerous human rights abuses.

The government's human rights record remained poor, and it continued to commit numerous abuses. The November 6 parliamentary elections strongly influenced the government's human rights performance. The following human rights problems were reported:

- restricted right of citizens to peacefully change their government
- torture and beating of persons in custody, leading to four deaths
- arbitrary arrest and detention, particularly of political opponents
- harsh and life-threatening prison conditions
- police impunity
- lengthy pretrial detention
- pervasive corruption in the judiciary
- some restrictions of privacy rights
- periodic interference with media freedom
- excessive use of force to disperse demonstrations
- limited instances of violence and societal discrimination against women
- trafficking in persons
- limited workers' rights

There were some improvements in the period leading up to the November 6 parliamentary elections compared with previous elections. The president issued two decrees instructing national and local government officials to comply with international election standards. The government pardoned most remaining political prisoners identified by the Council of Europe (COE) who had been convicted in the aftermath of the flawed 2003 presidential election; the government also vacated the sentences of seven opposition leaders, allowing them to run in the election. Although the government registered the majority of candidates for 125 seats in parliament, some candidates withdrew, citing government pressures to do so.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, human rights monitors reported four prisoners died in police custody due to alleged abuse and mistreatment.

On April 21, Nikolay Nikolashvili died at prison colony 16. Domestic human rights activists reported that police beat him during questioning. On August 7, Elchin Shahmaliyev died in Gobustan prison; human rights activists reported that police beat and tortured him at the Sumgayit police station prior to his transfer to Gobustan prison. On August 15, Elhman Ibrahimov died at Gobustan prison; human rights activists reported that police beat and tortured Ibrahimov, a friend of Shahmaliyev. On September 2, Mahir Suleymanov died in prison colony 8; human rights activists reported that Suleyman was beaten to death. The government attributed each of these deaths to suicide.

The authorities did not prosecute law enforcement officials implicated in the 2004 deaths of Etibar Najafov, Akif Mirzayev, Azer Safarov, or Badel Babayev.

On March 7, the Ministry of National Security (MNS) arrested a senior Ministry of Internal Affairs (MIA) official, Haji Mammadov, for ordering the kidnapping of 11 persons and killing of 3 persons since 1995 as the head of a criminal kidnapping, murder, and extortion ring within the MIA (see section 1.b.).

During the year unknown actors killed journalist Elmar Huseynov (see section 2.a.).

In contrast to the previous year, there were no press or other reports of deaths of army conscripts attributed to military hazing.

Despite a cease-fire in effect since 1994, minor outbreaks of fighting with Armenia over Nagorno-Karabakh occurred with increasing frequency, resulting in deaths of 24 civilians and combatants during the year.

According to the National Agency for Mine Actions, landmines killed 2 persons and injured 19 others during the year.

b. Disappearance.—There was at least one disappearance during the year. In March the wife of the chairman of the International Bank of Azerbaijan was kidnapped. On March 10, a MNS investigation uncovered a kidnapping and extortion ring responsible for the woman's kidnapping, as well as multiple killings over a 10-year period directed from within the MIA. An MNS Special Forces unit raid rescued the woman (see section 1.a.).

The Ministry of Justice (MOJ) prosecuted one senior MIA officer, Lieutenant Colonel Haji Mammadov, chief of the MIA criminal investigation division, who confessed to the March kidnapping and also to the abduction of 11 persons since 1995. The MNS arrested 12 persons for their involvement in the ring, including 2 Chechen citizens. Mammadov remained in pretrial detention at year's end.

The minister of internal affairs, who remained in office, dismissed three other senior MIA officials including the deputy minister for law enforcement, Zahid Dunyamaliyev. The MOJ did not prosecute these officials. The media widely reported on the March abduction, the rescue operation, and investigation.

The International Committee of the Red Cross (ICRC) continued to urge the government and Armenia to provide information on the fate of persons missing in action since the beginning of the Nagorno-Karabakh conflict; during the year the number of those confirmed missing increased from 3,100 to 3,400. The government estimated that approximately 4,850 citizens remained missing, allegedly held by Armenia. During the year the ICRC assisted in the return of six citizens from Armenia.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices and provides for penalties of up to 10 years in jail; however, there were credible reports that security forces beat detainees to extract confessions while in custody. Despite defendants' claims that testimony was obtained through torture or abuse, no cases involving such claims were dismissed. A domestic human rights monitor reported that security forces tortured between 40 and 50 persons while in custody. For example, a human rights monitor reported that police tied a detainee to a chair in a police station and beat the person with a metal pipe.

In early November the media reported that officers of the MIA Organized Crime Unit (OCU) repeatedly gave electric shocks to opposition Azerbaijan Democratic Party (ADP) deputy chairman and former political prisoner Natic Efendiyev while in detention (see section 1.d.). Following widespread press, local NGO, and international observer attention, the MIA transferred Efendiyev from the OCU to a local prison where he received medical treatment.

On December 4, Koroglu Gasimov, the Ganja city chief police inspector, allegedly sexually assaulted a woman and sodomized her adult son during an investigation into allegations that the son burglarized a local business. MIA inspectors suspended Gasimov and opened a criminal investigation into his conduct; on December 7, the ministry dismissed Koroglu.

The government dismissed police officer Javanshir Mammadov for beating a *Zerkalo* newspaper journalist, Farid Teymurxanli, at an unsanctioned opposition rally on May 21.

According to the MIA, authorities criminally charged six police officers for violations of human rights and civil liberties. Human rights monitors reported that the government dismissed four other law enforcement officers for misconduct during the year.

During the year the government did not punish MIA officials for the beating, torture, and verbal abuse of persons detained in the aftermath of the 2003 presidential election, nor was any action expected. The government promoted one of the senior officers allegedly involved in the 2003 abuses, Viliyat Eyvazov, to deputy minister of internal affairs. The government also did not hold accountable any officials responsible for the excessive use of force at the November 26 peaceful demonstration (see section 2.b.).

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening despite prison infrastructure improvements in recent years.

Overcrowding, inadequate nutrition, and poor medical care combined to make the spread of infectious diseases a serious problem. Despite recent improvements to prison infrastructure, prisons, generally Soviet-era facilities, did not meet international standards. In maximum-security facilities, authorities limited physical exercise for prisoners as well as visits by attorneys and family members. Some pretrial detainees were reportedly held in "separation cells," often located in basements, to conceal evidence of physical abuse and where food and sleep reportedly were denied to elicit confessions.

Harsh prison conditions resulted in 107 deaths during the year. Credible reports indicated that at least four of these deaths were the result of torture or abuse (see section 1.a.). Tuberculosis (TB) remained the primary cause of death in prisons; the government reported that 66 inmates died of it during the year. The ICRC reported the government treated 515 prisoners for TB during the year; due to the absence of systematic medical screening, such treatment often started after prisoners were seriously ill. Many relied on families for medicine and food, who often paid bribes to prison officials to gain access to imprisoned relatives.

In July the government dismissed the head of the medical unit of prison colony 2 after a prisoner complained about his conduct.

On February 1, the government dismissed the deputy minister of justice for prisons on allegations of accepting bribes for awarding prison renovation contracts. After the deputy minister's dismissal, the MOJ disbanded the joint government-human rights community prison-monitoring group. A reconstituted monitoring group was established in August; however, it did not meet before year's end.

The government permitted prison visits by international and local humanitarian and human rights groups. The ICRC also had unobstructed access to prisoners of war and to civilians held in connection with the conflict over Nagorno-Karabakh. Foreign observers were allowed to enter maximum-security prisons and to meet with alleged political prisoners. On August 16, the government authorized a select group of local human rights activists to visit MIA-run police stations and MIA pre-trial detention facilities in addition to prisons.

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

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

Law enforcement corruption was a problem. Police often levied spurious, informal fines for traffic and other minor violations and extracted protection money from local residents. In 2004 and again during the year, traffic police officers received a substantial pay raise to counter corruption; nevertheless, the low wages of other law enforcement officials continued to contribute to police corruption. The MIA reported that during the year it opened 189 investigations into internal police corruption and prosecuted 142 of these.

Police officers acted with impunity, and in most cases the government took little or no action. During the year, however, the government reported that it took disciplinary action against 84 police officers for wrongful arrest or misconduct in connection with police detentions. Of these, the government reported that it dismissed 12 officers from government employment, dismissed an additional 10 officers from the MIA police forces, demoted 1 officer, and criminally charged 6 officers for violating human rights and civil liberties.

An international foundation continued its training program in human rights theory, standards, and practices for 160 security officers attached to the Special State Protective Service (SSPS), a government agency responsible for protecting the Baku-Tbilisi-Ceyhan pipeline. The officers who participated in the training were recruited from the SSPS, the state border guard, the army, and police.

In May the MOJ granted approval for foreign governments to train law enforcement officials to meet international standards. The first training program took place in May. In June an international organization conducted community policing and crowd control training for 250 MIA police officers.

Arrest and Detention.—The law states that persons who are detained, arrested, or accused of a crime should be advised immediately of their rights and reason for arrest and accorded due process of law; however, the government did not respect these provisions in practice. Arbitrary arrest, often on spurious charges of resisting the police, remained a common problem throughout the year.

The law allows police to detain and question individuals for 24 hours without a warrant; in practice police detained individuals for several days, sometimes weeks, without a warrant. In other instances, the prosecutor general issued *ex post facto* warrants. Judges, acting at the instruction of the prosecutor general's office or of other executive branch officials, sentenced detainees to jail within hours of their arrest without access to a lawyer or a fair trial (see section 1.c.).

The law provides for access to a lawyer from the time of detention; in reality, access to lawyers was poor, particularly outside of Baku. Although guaranteed by law, in practice indigent detainees did not have access to lawyers. Authorities often restricted family member visits and withheld information about detainees; frequently,

days passed before families could obtain any information about detained relatives. Individuals were sometimes permitted to “vouch” for detainees, enabling their conditional release during pretrial investigation; however, there was no formal, functioning bail system. At times politically sensitive suspects were held incommunicado for several hours and sometimes days while in police custody.

On several occasions MIA police officers preemptively detained members of the political opposition to prevent their participation in planned but unsanctioned political rallies, on grounds that the individuals were suspected of planning to incite civil unrest. Within hours of the detentions, judges sentenced the individuals to jail for periods of 10 to 12 days on those grounds. On June 4, the government first granted permission for political rallies to be held in the capital at locations removed from the city center. Between then and November 6, election day, the government detained and sentenced 50 persons for attempting to participate in rallies in the city center for which it had denied authorization.

In July police detained several opposition party members who planned to hold rallies in Tovuz, Sabirabad, and Lenkoran. On September 29, police arrested 14 opposition party members prior to an unsanctioned rally; authorities convicted and sentenced the individuals from 7 to 10 days’ imprisonment.

In April police arrested prominent opposition figure and former internal affairs minister Iskender Hamidov, beating him on the street while taking him into custody. Authorities released Hamidov the same day.

On June 13, the MNS and prosecutor general announced the arrest of Musavat party member Pirali Orujev for allegedly conspiring to kill two progovernment figures. The opposition Azadliq bloc denounced the arrest, commenting that it was part of a government campaign to harass and slander the opposition. Orujev remained in pretrial detention at year’s end.

On August 1, the government arrested Yeni Fikir opposition youth leader Ruslan Bashirli on charges of treason. In a widely broadcast videotape, Bashirli was shown taking money from and conspiring with Armenian and Georgian citizens to foment revolution in the country. Bashirli remained in special detention awaiting a hearing at year’s end. International observers doubted the credibility of the evidence against Bashirli and suspected a case of entrapment to intimidate and embarrass the opposition.

On September 12, police detained Yeni Fikir opposition youth activist Said Nuriyev on charges of conspiring to overthrow the government, in connection with the investigation of Bashirli. Nuriyev’s case was suspended because of a pre-existing medical condition, but he remained confined at a city hospital until after the November election. At year’s end Nuriyev was no longer detained but continued to face criminal charges in connection with the alleged conspiracy to overthrow the government.

On September 14, the prosecutor general summoned Yeni Fikir opposition youth activist Ramin Tagiyev and arrested him on charges on threatening state security. Within days a judge convicted Tagiyev and sentenced him to prison for three months (until after the November parliamentary election) while his pretrial investigation continued.

On October 17, security forces arrested approximately 300 opposition party activists, including up to 20 parliamentary candidates, in connection with the anticipated return to Baku of exiled opposition leader Rasul Guliyev.

On October 19, the MNS arrested Presidential Aide Akif Muradverdiyev, Minister of Health Ali İnsanov, Minister of Economic Development Farhad Aliyev, former finance minister Fikrat Yusifov, and business leaders Fikrat Sadigov and Rafiq Aliyev for allegedly fomenting a *coup d’etat* in connection with the failed October 17 return to the country of exiled opposition ADP leader Rasul Guliyev. On October 31, the prosecutor general charged Natic Efendiyev, an ADP deputy chairman already in MIA custody, with aiding and abetting the coup plot. On November 2, government agents arrested prominent academic and Guliyev friend Eldar Salayev for allegedly planning to carry out the coup.

On November 1, several progovernment television channels aired videotaped footage of MNS detainees Yusifov, İnsanov, Muradverdiyev, and Sadigov testifying to their role in the plot to overthrow the government. Yusifov, a former finance minister whose testimony dominated the broadcast, described himself as the financial middleman in exiled opposition leader Rasul Guliyev’s network of support within the government and business community. Yusifov confessed that Aliyev, İnsanov, Sadigov, and others gave him money, which he turned over to Salayev who was tasked with financing the opposition’s activities. On November 16, the MNS released Salayev from detention on account of his age and poor health, although the charges against him stood. The other alleged coup conspirators remained in MNS and MIA custody at year’s end. In total 11 persons were arrested in connection with

plotting the coup. In November authorities released Fikrat Sadiqov, former head of a state-owned chemical company, on the condition he notify police before traveling outside of Baku.

The police arrested and detained members of certain religious groups—generally evangelical Christian denominations (see section 2.c.).

There were no reliable estimates of the number of political detainees. However, several hundred opposition party members were detained for short periods of between one day and two weeks during the pre-election campaign period.

Lengthy pretrial detention of between three and six months—and sometimes longer—was a serious problem. The prosecutor general routinely extended the permitted, initial three-month pretrial detention period in successive increments of months until the government completed an investigation.

Amnesty.—During the year President Aliyev pardoned 215 prisoners, including 87 persons local human rights activists considered political prisoners. The pardon included all seven opposition political leaders arrested and imprisoned in the aftermath of the 2003 presidential election. Subsequently, on June 30 and July 5, the courts vacated the convictions of the seven opposition leaders, which enabled them to run for parliament in the November elections.

During the summer, the president pardoned and released Azerbaijan Democratic Party's Secretary Taliyat Aliyev, who was detained in August 2004.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice judges did not function independently of the executive branch. The judiciary was corrupt and inefficient.

The executive branch exerts a strong influence over the judiciary. The president appoints supreme and constitutional court judges (subject to parliamentary confirmation) and lower court judges (without parliamentary confirmation).

Judges' salaries steadily increased over several years; nevertheless, there continued to be credible allegations that judges routinely accepted bribes. There were also credible reports that judges and prosecutors took instruction from the presidential administration and the MOJ, particularly in cases international observers were interested in.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District courts try the majority of cases. The supreme court may not act as the court of first instance. One judge presides over district court level trials, while a three-judge panel hears cases at the court of appeals, the court of grave crimes, and the supreme court. The constitution provides all citizens with the right to appeal to the constitutional court. Citizens also have the right to appeal to the European Court of Human Rights, which they exercised frequently.

On October 3, the MOJ for the first time granted approval to an international NGO to train judges on compliance with election law. The first training took place on October 16.

Trial Procedures.—The law provides for public trials except in cases involving state, commercial, or professional secrets or matters involving confidential, personal, or family matters. The law provides for the presumption of innocence in criminal cases, the right to review evidence, a defendant's rights to confront witnesses and present evidence at trial, a court-approved attorney for indigent defendants, and appeal for both defendants and prosecutors—provisions not generally respected in practice. Plans to begin jury trials were not implemented. Foreign and domestic observers usually were allowed to attend trials. Although the constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' privileges and rights outweighed those of the defense.

The law limits representation in criminal cases to members of a state-controlled collegium of lawyers (bar association), thereby restricting the public's access to legal representation of choice. In June the parliament approved an amendment to the law on advocates that was expected to reform the legal profession and establish a more independent bar association by allowing all licensed lawyers to join the collegium automatically. Some provisions in the amended law left open the possibility that the collegium could refuse a fully qualified lawyer for failing to meet other, unspecified requirements. The collegium admitted 9 of 231 licensed lawyers entitled to automatic admission to the association.

The constitution prohibits the use of illegally obtained evidence; however, despite defendants' claims that testimony was obtained through torture or abuse, no cases based on claims of abuse were dismissed, and there was no independent forensic investigator to determine the occurrence of abuse (see section 1.c.). Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts were likely to end in conviction, as judges generally required only a minimal level of proof and collaborated

closely with prosecutors. In the rare instance when a judge determined the evidence presented was not sufficient to convict a defendant, judges could and did return cases to the prosecutor for additional investigation, in effect giving the prosecution a "second chance" for a conviction.

In the period preceding the November parliamentary elections, judges often sentenced to jail opposition members arrested for participating in unauthorized political rallies within hours of their detention, and without a fair trial.

The country also has a military court system with civilian judges. The military court retains first jurisdiction over any case in which "crimes against the state" are adjudicated.

Political Prisoners.—Local NGOs maintained that the government continued to hold political prisoners, although estimates of the number varied. NGO activists maintained that the government held approximately 45 political prisoners. At year's end three political prisoners arrested in connection with the 2003 presidential election and listed in the COE's Experts Report remained incarcerated: Elchin Amiraslanov, Safa Poladov, and Arif Kazimov.

On March 17, the president pardoned the seven opposition leaders arrested in 2003 postelection violence (see section 1.d.).

The government permitted unrestricted access to political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications; in practice the government restricted privacy rights.

The constitution allows for searches of residences only with a court order or in cases specifically provided by law; however, authorities often conducted searches without warrants. It was widely believed that the MNS and MIA monitored telephone and Internet communications, particularly those of foreigners and prominent political and business figures.

Police continued to intimidate and harass family members of suspected criminals and increased harassment of opposition political party members and their families.

On June 3, authorities detained Almaz Guliyeva, relative of exiled opposition leader Rasul Guliyev, at the airport on charges of carrying a gun. Guliyeva, a British citizen, collapsed when airport police showed her the supposed weapon. Authorities took Guliyeva to the hospital and released her after she recovered three weeks later; she departed the country immediately thereafter. International observers doubted the credibility of the evidence in the case.

On October 17, the government arrested Etibar Guliyev, Rasul Guliyev's nephew. A court eventually sentenced Guliyev to three months in prison for assaulting the police with a weapon in connection with Rasul Guliyev's planned return to the country. Authorities did not charge Guliyev with this specific crime at the time of his arrest, and prosecutors obtained a court conviction only after detaining him on unrelated charges for several days.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press and specifically prohibits press censorship; the government often did not respect these rights in practice.

In July the Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media visited the country and issued a report assessing the high degree of pluralism in the print media and the reduction in the number of libel and defamation suits against journalists positively, while commenting negatively on the continued acts of violence against journalists. On September 1, police officers beat opposition youth activist Vugar Mehdiyev for distributing political pamphlets in a city park. Following an investigation the MIA alleged that the victim's injuries were self-inflicted, a result of running into a tree. The government did not prosecute or punish any police officers in the case.

A large number of opposition and independent media outlets operated during the year. The print media enjoyed more freedom than the broadcast media and expressed a wide variety of views on government policies. However, most broadcast media adhered to a progovernment line in their news coverage.

There were over 40 active independent newspapers and magazines and 23 television and 12 radio stations. There also were 10 national state newspapers and 80 newspapers funded by city or district level officials. In contrast to progovernment newspapers, the distribution of many opposition newspapers was limited to the capital, and their circulation was low.

During the year many opposition and government-run newspapers reduced circulation, and several, including prominent opposition newspaper *Yeni Musavat*, re-

duced frequency. Moderate independent newspapers *Echo* and *Zerkalo*, however, maintained their circulation.

Some private television channels broadcast the views of both government and opposition officials, but their programs were not available in all parts of the country. Space TV and ANS TV, popular channels regarded as independent, provided balanced news coverage, especially of the parliamentary elections.

On August 29, the government launched independent, public television channel ITV, which broadcast television debates between parliamentary candidates and provided candidates with free airtime consistent with the requirements of the election code. However, the OSCE preliminary election assessment reported that government-funded ITV devoted 79 percent of its prime time news coverage to almost exclusively positive or neutral coverage of the president, the administration, government, and ruling party.

There were no restrictions on satellite broadcasts by foreign stations.

The government intimidated and harassed the media, primarily through defamation suits, prohibitively high court fines for libel, and measures that hampered printing and distribution of independent newspapers and magazines. However, in contrast to 2004, the number of defamation suits threatening the financial viability of the print media declined significantly during the year because of the mediation of local and international NGOs.

Harassment and violence against individual journalists continued. The Media Council, an independent NGO, reported that 40 journalists faced physical attack or harassment during the 6-month period preceding the November parliamentary election.

On February 1, Akrep Hasanov, a journalist from *The Monitor* newsmagazine, was reportedly abducted by military officials, detained for five hours, and forced to sign a statement of apology in response to an article he wrote about abuse and mismanagement of the Goranboy military unit. The case drew wide media coverage.

On February 25, two employees of an opposition party newspaper were allegedly kidnapped, stripped, and photographed naked with prostitutes. Photographs of the incident were broadcast repeatedly on state television channels in an effort to humiliate the newspaper.

On March 2, unknown assailants killed the widely respected founder and editor of *The Monitor*, Elmar Huseynov, in front of his Baku apartment. The government characterized the killing as a terrorist act meant to destabilize the regime and launched an investigation into the case. The investigation revealed that the assailants disabled telephone and electricity lines into the apartment building prior to the killing. Some human rights activists described the killing as a warning to those critical of the regime, a suggestion that government officials vehemently rejected. In July press reports stated that the government's investigation identified two Georgian citizens, Tahir Khubanov and Teymuraz Aliyev, as suspects. At year's end the investigation continued, and no arrests had been made. *The Monitor* ceased publication in April, and in May Huseynov's former colleagues started a new publication, *Realniy Azerbaijan*.

During the year police officers beat three local journalists from independent and opposition newspapers covering unauthorized political rallies in the capital, despite being clearly identifiable as members of the press. On May 21, riot police severely beat journalist Farid Teymurxanli from independent newspaper *Zerkalo*, and in separate incidents on October 9, police beat a local journalist from *Boz Gurd* newspaper and beat unconscious a local journalist from *Ayna* newspaper. Police detained and released 24 journalists in connection with their coverage of unauthorized political rallies. On November 26, police beat 10 journalists at a government-authorized Azadliq bloc political rally, which authorities violently dispersed.

In December 2004 police beat Alim Kazimli, a photojournalist for the opposition *Yeni Musavat* newspaper, because he complained to the authorities about the inefficient processing of passport applications at the passport office. Kazimli recovered from his injuries but died six months later, reportedly from a heart condition. However, opposition newspapers attributed his death to conditions arising from the police beating.

By year's end the government did not announce the arrest of any police officers or the results of an investigation into election-related police clashes with journalists and opposition activists in 2003. No developments were expected.

The government did not charge anyone in the investigation of the July 2004 attack on Eynulla Fatulliyev, a staff writer for *The Monitor*. No developments were expected in the investigation.

In April a leading independent electronic media group, ANS TV and Radio, launched independent, monthly newsmagazine *Hesabat*, which published controversial and politically sensitive articles. While President Aliyev publicly defended the

company's right to publish this information, the firm continued to face harassment from other quarters of the government. In April ruling party members of parliament denounced ANS and publicly threatened the company's president. One member of parliament sued *Hesabat's* editor in chief for libel after the newsmagazine named the parliamentarian one of the country's richest persons. The court case was ongoing at year's end.

The government periodically used state-run television to denounce and harass political parties and leaders who criticized the government. State-operated AzTV rebroadcast footage of opposition youth activist Ruslan Bashirli allegedly conspiring with Georgian and Armenian citizens to foment revolution in the country. Progovernment news agencies described Bashirli's organization, *Yeni Fikir*, as a part of Ali Kerimli's Popular Front Party (PFP) and attacked Kerimli and his party in daily news broadcasts. The coverage incited several violent protests outside of the PFP's offices. On August 11, in Baku, a group of 30 youths vandalized the PFP's headquarters, throwing stones through the windows. On August 10, a group of youths attacked PFP's headquarters in Lenkoran.

The government's licensing authority harassed independent private channel ANS TV. Based on a restrictive interpretation of the licensing law, the National Television and Radio Council (NTRC) revoked ANS' radio license for its affiliate in the city of Sheki six weeks before the parliamentary election. In the ensuing dispute, the NTRC chairman publicly threatened, but did not revoke, ANS' nationwide television broadcast license.

There was no transparent or independent licensing mechanism for broadcast media—the NTRC was responsible for issuing licenses and monitoring broadcasts, but it was inefficient and did not function independently of the government. In addition the MOJ must register corporations such as a TV network operating company in order for it to have legal existence. During the year the NTRC granted a license only for the establishment of the state's first public television channel. The NTRC interpreted the licensing law in a manner that prevented some independent news organizations from entering local media markets.

In September the MOJ initially rejected the registration application of a regional television network consisting of local stations on the grounds that the network was sponsored by an international media development NGO. The network revised its incorporation documents to remove the international NGO from the title, and the MOJ registered the new entity.

Most newspapers and magazines were printed in government publishing houses or on private printing presses owned by individuals close to the government. The majority of independent and opposition newspapers remained in a precarious financial position; they continued to have problems paying wages, taxes, and periodic court fines.

The government prohibited state libraries from subscribing to opposition newspapers. The government also continued to prohibit state businesses from buying advertising in opposition newspapers and pressured private business to do the same.

As a result of legal provisions favoring candidates from large political parties over independents, candidates from the ruling party and the largest opposition blocs—Azadliq, New Politics (YeS), and the Liberal Party—dominated the free airtime during the parliamentary campaign period, to the exclusion of the majority of candidates who ran as independents. Over the course of the campaign period opposition politicians consistently had free, unrestricted access to state television airtime and paid, unrestricted access to private television time, although news coverage was heavily skewed in favor of the ruling New Azerbaijan Party.

In violation of the free media access requirements of the election code, the government restricted the opposition's access to a state television channel during the 72-hour-period following the attempted October 17 return of exiled opposition leader Rasul Guliyev.

It was widely believed that the government blocked the satellite broadcasts of Azadliq TV, which was reportedly affiliated with the political opposition, shortly after the channel's August launch.

Libel is a criminal offense; the law allows for large fines and up to three years' imprisonment. Although the number of libel suits against journalists continued to decline during the year, some officials continued to use libel suits to prevent the publication of embarrassing or incriminating information. According to the OSCE, the criminal conviction rate for libel was historically low, but civil cases often crippled news organizations financially.

The president spoke out against libel suits briefly following Elmar Huseynov's murder.

In October the Baku city mayor sued the editor in chief of *Realniy Azerbaijan* Eynulla Fatulliyev for libel in a case that was ongoing at year's end. Fatulliyev, a

former staff writer at Elmar Huseynov's *Monitor*, founded *Realniy Azerbaijan* after Huseynov's death.

Baku-based journalists reported that authorities in the exclave of Nakchivan continued to block distribution of opposition newspapers.

As in the previous year, the government tightened enforcement on unregistered, independent newspaper vendors who mainly distributed opposition newspapers, stating that the illegal vendors created traffic hazards on city streets. In March the government lifted a prohibition on the sale of opposition newspapers within the subway system.

Gaya, the country's largest independent newspaper distributor, reopened 11 of its 20 newsstands in Baku that were torn down in 2002 by the Baku mayor's office.

The government did not restrict access to the Internet, but it required Internet service providers to be licensed and have formal agreements with the Ministry of Communications and Information Technologies. There was no evidence to support the widely held belief that the government monitored Internet traffic of foreign businesses and opposition leaders.

The government generally did not restrict academic freedom. However, during the year the government expelled four students from Baku State University, the State Economic University, and the Pedagogical University due to their political activities in support of opposition parties. For example, in separate incidents on November 9, university authorities threatened to expel Elturan Mursalzade and did expel Polad Mehdiyev for their involvement in postelection opposition political activities. Officials cited Mehdiyev's failure to complete final exams as the reason for his dismissal. Classmates reported Mehdiyev was told to denounce the opposition on television in return for permission to return to school. On December 28, the minister of education readmitted Mehdiyev after he made a public apology to the rector. On November 25, Baku State University authorities expelled Turan Aliyev for inciting public disorder on campus in support of the opposition's political activities. Within days of his expulsion, Aliyev received military enlistment orders. On December 28, Aliyev began a hunger strike, which drew increasing media attention and continued at year's end. Three opposition youth activists joined the hunger strike in protest of the universities' expulsions.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the government restricted this right in practice. On May 11, the president issued a decree ordering the government to hold free and fair parliamentary elections in November consistent with international standards. In compliance with the decree, on June 4, the government partially restored the constitutional right to freedom of assembly, which had not been permitted since the demonstrations following the 2003 presidential election. However, the government restricted implementation of this right in the period before the November elections. The government interpreted the law to require individuals and political parties to obtain permission from the authorities in order to assemble and organize demonstrations.

In the pre-election period, the government authorized political rallies exclusively at predetermined venues approved by local authorities. Most of these locations were removed from city centers. The opposition held authorized rallies at some of these locations and attempted to hold unauthorized rallies in city centers.

Opposition parties often held unauthorized rallies when government permission was not granted. In these instances authorities restricted public transportation to the sites, and in one instance, blockaded Azadliq's local party offices to prevent opposition party members from congregating in the downtown area.

In some cases local authorities also interfered to undermine authorized opposition rallies. For example, on October 15 in Agstafa and Tovuz, credible reports indicated that local authorities prohibited public buses from transporting individuals to the city center where the opposition planned a demonstration.

On May 21, the government deployed riot police throughout Baku's city center in response to an unsanctioned Azadliq bloc rally of approximately one thousand participants. Riot police used truncheons to beat approximately 15 members of the opposition parties Popular Front, Musavat, and the Azerbaijan Democratic Party, as well as a member of the press, when they attempted to gather near the main train terminal. Police detained over 60 persons, sentencing them to 1 to 5 days in jail; an additional 30 persons were detained preemptively, before the event took place (see section 1.d.).

On June 4, the Azadliq bloc held its first authorized rally in Galaba Square. The 15 thousand participants gathered a mile from the square and marched peacefully toward the venue. The police deployed approximately 500 riot troops, who cordoned

off the square; the police acted with restraint, and the event concluded peacefully after several hours of speeches by opposition figures.

At a June 28 rally, a group of 30 demonstrators briefly clashed with an equal number of police when the demonstrators broke through a portion of the police line. The police used minimal force to restore their position. No one was seriously injured or arrested.

In late September Azadliq unsuccessfully sought government authorization to hold political rallies in downtown Baku. On October 1 and 9, the opposition attempted to hold multiple, simultaneous, unauthorized rallies in Baku. The government deployed more than a thousand riot police, closed off several central city squares, and used force to disperse crowds. Police beat with truncheons 40 opposition activists, seriously injuring 27. Police also seriously beat three local journalists covering the rallies. On October 1, authorities detained 14 persons and on October 9, 12 persons, for periods of 7 to 12 days. On October 23, Azadliq held its fourth unauthorized pre-election rally in central Baku. Groups of 200 to 300 Azadliq supporters gathered in pockets around the city center before being dispersed by riot police. Police detained approximately 65 Azadliq supporters in a police station near the city's central square for several hours.

Following the November 6 parliamentary election, Azadliq held four government-authorized political rallies at Baku's Galaba Square to protest the election's conduct.

On November 26, approximately 800 security forces violently dispersed a government-authorized Azadliq bloc rally at Galaba Square in response to an opposition leader's call for a participant "sit down" to protest the results. Diplomatic observers reported that riot police charged through the crowd of seven thousand opposition supporters striking them with truncheons. Riot police, joined by MIA special forces units and plainclothes police officers, charged the platform where opposition leaders were standing, destroying it and the cordon that surrounded it. Two opposition leaders, Ali Kerimli and Lala Shovket Hajiyeva, were struck in the melee. Police seriously beat a third opposition leader, Liberal Party Deputy Chairman Avaz Temirhan, while apprehending him. Police used truncheons and water cannons to remove protesters from the square.

Diplomatic observers witnessed at least one person beaten unconscious and several beaten to the ground. Opposition officials subsequently reported that 90 persons were seriously injured (broken bones), 4 were taken to city emergency rooms in critical condition, and 67 others sustained minor bruises.

Despite the peaceful conduct of participants, the government arrested 57 opposition supporters for "hooliganism" and "public disorder" at the November 26 rally. Within hours of the arrests, courts sentenced 27 opposition supporters to jail for 10 to 15 days. The remaining 30 were released with administrative penalties or fines. No police officials were held accountable for the excessive use of force.

On January 12, a court convicted 10 individuals on charges stemming from their alleged participation in demonstrations following the 2003 presidential election. Two defendants received three-year prison sentences, and the other eight received three-year suspended sentences.

Freedom of Association.—The law provides for freedom of association, although in practice the government continued to restrict this right. A number of provisions allowed the government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register either with the MOJ or the State Committee on Work with Religious Associations (SCWRA). Although a new law requiring the government to act on registration applications within 30 days of receipt was implemented, vague, cumbersome, and non-transparent registration procedures continued to result in long delays that effectively limited citizens' right to associate.

The government used a 2003 requirement for all existing NGOs to reregister with the MOJ to delay or deny registration to some previously registered groups, often citing the failure of applicants to follow proper procedures. During the year the MOJ registered 379 NGOs, which it reported was more than twice the number registered in 2004. However, the MOJ did not provide information on the total number of NGO applications received or the number of NGO applications rejected during the year.

In May the OSCE issued a report on NGO registration, identifying problems and offering recommendations. Its conclusions noted that the government procedurally evaded NGO registration by taking an excessive amount of time to discover shortcomings, which unduly prolonged processing times for NGO registration applications. While the report noted many of the shortcomings in applications cited by authorities were valid, most of them were correctable during the registration process and should not have been grounds for final rejection.

c. Freedom of Religion.—The law provides for freedom of religion; however, there were some abuses and restrictions in practice. Although the law expressly prohibits the government from interfering in the religious activities of any individual or group, there are exceptions, including cases where the activity of a religious group “threatens public order and stability.”

A number of legal provisions enable the government to regulate religious groups, including a requirement that religious organizations, including individual congregations of a denomination, be registered by the government (see section 2.b.). Muslim religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA. The SCWRA and its chairman have broad powers over registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law.

Registered Muslim organizations are subordinate to the CMB, a Soviet-era entity which appoints Muslim clerics to mosques, periodically monitors sermons, and organizes annual hajj pilgrimages. It has been subject to some interference by the SCWRA, which has attempted to share control with the CMB over the appointment and certification of clerics and internal financial control of the country’s mosques. Some Muslim religious leaders objected to interference from both the CMB and SCWRA.

The SCWRA continued to delay or deny registration to some Protestant Christian groups, including two Baptist churches. Three of the Baptists’ five main churches successfully reregistered. At the end of August, the SCWRA had registered more than three-quarters of the number of religious communities previously registered. Jehovah’s Witnesses and other nontraditional faiths continued to have problems registering. Some groups reported that SCWRA employees tried to interfere in the internal workings of their organizations during the registration process.

Although unregistered religious groups continued to function, some, such as Seventh-day Adventists, Jehovah’s Witnesses, and Baptists, reported official harassment, including disruption of religious services and police intimidation, fines, and occasional beatings of worshippers by police. Some nontraditional religious groups operated in an atmosphere of fear.

For example on June 12, police conducted televised raids of the Jehovah’s Witnesses’ place of worship detaining 29 persons overnight, including foreign nationals, and confiscating the group’s imported religious literature.

In a mid-March television appearance, the head of the CMB described nontraditional religious groups as subversive sects. In a separate incident the chairman of the SCWRA, speaking on television, stated that Seventh-day Adventists used financial bribes to recruit adherents.

Local law enforcement authorities occasionally monitored religious services, and some observant Christians and Muslims were penalized for their religious affiliations. Christians were often suspected of illegally proselytizing but not political activity. Government authorities took various actions to restrict what they claimed were political and terrorist activities by Iranian and other clerics operating independently of the organized Muslim community. For example the government deported several Iranian and other foreign clerics operating independently of the organized Muslim community for alleged violations of the law. The government outlawed several Islamic humanitarian organizations because of credible reports about connections to terrorist activities. On May 8, the government closed a Saudi Arabian-sponsored Sunni mosque in the city of Sumgayit.

Jehovah’s Witnesses reported that authorities regularly interfered with their ability to rent public halls for religious assemblies and on occasion fined or detained and beat individuals for meeting in private homes. On June 12, police raided a gathering of approximately 200 Jehovah’s Witnesses in Baku, detaining 29 members of the group and then releasing them after several hours in police custody. Local television stations also aired “raids” of religious meetings for “exposes” of religious groups.

The law expressly prohibits religious proselytizing by foreigners, and this was enforced strictly. On April 24, police authorities seized Jehovah’s Witnesses religious literature in Baku on these grounds.

In April 2004 following a flawed trial, a court convicted the imam of the Juma Mosque, Ilgar Ibrahimoglu, of participating in postelection demonstrations in 2003 and sentenced him to a five-year suspended sentence after he had spent four months in pretrial detention. Since his conviction, Ibrahimoglu has not been allowed to travel outside the country, including to several meetings of the UN and the OSCE where he was to be an official NGO participant (suspended sentences carry a restriction on international travel).

On June 30, the first anniversary of the Juma community's eviction from its mosque, police briefly detained and released Ibrahimoglu for leading a group of worshippers into the officially closed mosque to conduct prayers. He and approximately 30 members of the Juma Mosque community also participated in demonstrations earlier in the day in front of the SCWRA. Ibrahimoglu was also briefly detained on September 4 in Baku after leading a group of 30 persons marching in support of women's right to wear the *hijab* (headscarf).

Despite a court ruling in favor of the right to wear headscarves in passport photos, the Center for Protection of Conscience and Religious Persuasion Freedom reported that authorities continued to prohibit Muslim women from wearing headscarves in passport photos. In December 2004 a group of women appealed to the European Court of Human Rights to protest the ban. At year's end there was no resolution to the case, and no developments were expected.

Some local officials also continued to discourage Muslim women from wearing headscarves in schools. In June a court in Sumgayit upheld a school teacher's right to wear a headscarf while teaching and ordered the school to pay her back wages for the two months she was not allowed to teach.

The law permits the production and dissemination of religious literature with the approval of the SCWRA; authorities also appeared selectively to restrict individuals from importing and distributing religious materials. The procedure for obtaining permission to import religious literature remained burdensome, but religious organizations reported that the SCWRA appeared to be handling requests more effectively.

Some religious groups continued to report restrictions and delays in importing religious literature caused by government ministries, although the SCWRA facilitated the import of such literature. The SCWRA limited the number of copies of a Jehovah's Witnesses publication that could be imported. The Baptist Union reported the SCWRA restricted the quantity of religious books allowed after granting initial import permission.

On February 4, the supreme court ruled that, while the country remained in a state of war with Armenia, the military's service requirement superseded an individual's constitutional entitlement to alternative service due to religious beliefs and that, absent implementing regulations, the military was not obligated to provide alternative service. The defendant in this case and his family subsequently left the country.

Societal Abuses and Discrimination.—There were an estimated 30 thousand Jews in the country. There were few cases of prejudice and discrimination against Jews, and in the few instances of anti-Semitic activity the government responded quickly. There was popular prejudice against Muslims who convert to non-Islamic faiths and hostility toward groups that proselytize, particularly evangelical Christian and missionary groups. The government appeared to encourage such social stigmatization through orchestrated exposes and raids of nontraditional groups.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, although at times the government limited freedom of movement, particularly for internally displaced persons (IDPs). The law required men of draft age to register with military officials before traveling abroad; some travel restrictions were placed on military personnel with access to national security information. Citizens charged with criminal offenses were not permitted to travel abroad. Officials regularly extracted bribes from individuals who applied for passports.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs).—IDPs were required to register their place of residence with authorities and could live only in approved areas. This so-called *propiska* system, a carryover from the Soviet era, was imposed mainly on persons forced from their homes after the Armenian occupation of western parts of the country. The government asserted that registration was needed to keep track of IDPs to provide them with assistance.

While official government policy allowed ethnic Armenians to travel, low-level officials often extracted bribes or harassed Armenians who applied for passports. According to the International Organization for Migration (IOM), some Armenians of mixed descent reported to a local NGO that they had problems with officials in the passport and registration department when applying for identification cards; applicants who applied with Azerbaijani surnames encountered no problems except for having to pay bribes.

There were approximately 575 thousand IDPs in the country. The vast majority of these persons fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict.

During the year the government received \$30 million in assistance from international and domestic humanitarian organizations for refugees and IDPs. According to the government, it also allocated \$44 million (202 billion manat) from the country's oil fund to improve living conditions for IDPs and refugees. During the year the government constructed new settlements in Agdam, Agjabedi, and Bilasuvar under a 2004 presidential decree to improve living conditions for refugees and IDPs.

The State IDP and Refugee Committee's estimated expenditures were \$82 million (377 billion manat). IDPs received monthly food subsidies of \$6 (30 thousand manat) from the government.

According to the IOM, approximately 21 thousand IDPs lived in the Sabirabad, Saatli, Aghjabadi, and Barda camps. Many IDPs lived at below-subsistence levels, without adequate food, shelter, education, sanitation, and medical care. Approximately 28 thousand IDPs lived in settlements provided by the European Union, while another 12 thousand lived in housing provided by the UN High Commissioner for Refugees (UNHCR). Other IDPs were scattered among unfinished buildings (in some cases mud dwellings), hostels, public health facilities, and the homes of friends or relatives.

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they faced persecution, and granted refugee status or asylum during the year. The largest number of applicants was from Afghanistan; however, the government did not recognize these individuals as refugees.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. According to the UNHCR, over 90 percent of the 3,458 refugees and asylum seekers registered by the UNHCR in the country at the end of the year were Chechens from the Russian Federation. However, the government did not identify Chechens as refugees under the 1951 convention, and it did not accept applications for refugee status from Chechens. Instead, the UNHCR carried out all functions to provide Chechens with required assistance and protection to remain in the country legally. Only Chechens who registered with the UNHCR were protected from forced repatriation to their homeland.

Reports of arbitrary harassment, detention, and arrests of undocumented Chechens continued to be a problem, although UNHCR noted fewer cases than in the previous year. The laws on residence, registration, and the status of refugees and IDPs did not apply to Chechens, who were required to register with the police and not entitled to residence permits. Chechens may enter the country visa-free following the March implementation of a new bilateral external passport system with Russia, which required Chechens to carry Russian passports to enter Azerbaijan. Chechen children were allowed to attend public schools. Access to basic medical services for Chechen refugees was available.

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 the government continued to restrict this right by interfering in elections. The law also provides for an independent legislature; parliament's independence was minimal, and it exercised little legislative initiative independent of the executive branch.

Elections and Political Participation.—The government held national parliamentary elections on November 6. The OSCE's preliminary election assessment concluded that the elections did not meet a number of the country's OSCE commitments and COE standards for democratic elections.

In the pre-election period, President Aliyev repeatedly and publicly affirmed the government's commitment to holding free, fair, and transparent elections and issued a decree instructing national and local government officials to conduct an election process that would meet international standards. In spite of the decree, there were numerous credible reports of local officials' interference with the campaign process to the benefit of progovernment candidates. For example in Sabirabad, domestic and international monitors reported that the executive authorities threatened public school teachers with dismissal for failing to support the progovernment candidate.

During the campaign period, the government did not punish local executive authorities' widespread misuse of state resources. Local executive authorities fre-

quently misused administrative resources to the benefit of progovernment candidates. Local authorities also restricted freedom of assembly for opposition candidates. Police used disproportionate force to disrupt rallies (see section 2.b.). State and private television news coverage of the campaign period disproportionately favored progovernment candidates, although opposition candidates had access to free and paid airtime on a daily basis throughout the campaign period while independent candidates had access to paid airtime and free airtime on a limited number of regional channels and through public interest programming.

On October 25, two weeks before the election, President Aliyev issued a second decree on the election ordering the Central Election Commission (CEC) to use finger inking at polling stations to prevent voter fraud and instructing the public prosecutor to investigate and prosecute election fraud complaints. However, the late issuance of the decree hampered its implementation on election day. According to the OSCE assessment, 11 percent of polling stations visited failed to follow inking procedures, a shortcoming it attributed to inadequate training for election officials.

More than 500 candidates withdrew in the final weeks of the parliamentary election campaign; many cited government pressure to withdraw.

The government generally respected the legal provisions of the election code. Candidates were able to hold numerous town hall meetings with voters, although police disrupted some gatherings. According to the OSCE, June amendments to the election code made limited improvements to the electoral framework, although most recommendations were not implemented or only partially implemented. The CEC approved a number of regulations to enhance the integrity of voting, counting, and the vote tabulation process. The CEC undertook an extensive, pre-election voter education campaign.

The president's October 25 decree also reversed a ban on election observation by NGOs receiving greater than 30 percent of their financial support from international sources. The change had no impact on this election, as all observers were required to have registered in advance; however, domestic election observers were generally able to register as individuals (rather than NGOs as entities). There were an estimated three thousand individual domestic NGO observers for the parliamentary election.

Voting proceeded in a more orderly and transparent manner than in previous national elections, although there were some irregularities. The OSCE-led International Observation Mission assessed 87 percent of the more than 2,500 polling stations it visited during the daytime voting process as positive. However, in some instances international observers reported unauthorized persons, such as policemen, in the polling station during the voting. Observers also witnessed candidates or candidate representatives attempting to influence voter choices and ballot box stuffing in one-third of the polling stations visited as well as family (group) voting in one-fifth of the polling stations visited.

Fraud and major irregularities marred the vote counting and tabulation process. International observers assessed the ballot counting process as bad or very bad in 43 percent of polling stations observed, reporting that election precinct officials refused to count election ballots in front of them and attempted to complete official tabulation protocols behind closed doors. In one precinct, observers witnessed election commission members taking instructions from an unidentified person in the polling station's basement. In Ganja international observers witnessed a precinct chairwoman writing the vote tally in pencil, which would have given officials the ability to alter the final results. In Shamkir observers witnessed a precinct chairwoman hide an already completed election protocol after an unidentified person handed it to her. On election night in Baku, a candidate objecting to the fraudulent vote counting procedure at a polling station in his district was detained, along with his wife, at a local police station for more than an hour. International observers reported that precinct-level voting results were not posted in 54 percent of the counts observed.

Following the election, authorities acted to address some instances of election fraud. The CEC annulled results from 423 of more than 5,100 election precincts. President Aliyev dismissed three local executive authorities because of their interference in the campaign and voting process. The prosecutor general opened 17 criminal cases against local government officials, election commission members, and opposition candidates for violations of the election code on voting day. The prosecutor also ordered the arrest of four local election officials for election fraud, who were in pretrial detention at year's end. The CEC annulled four constituency results and ordered reruns of these races in May 2006. The CEC overturned the results of two other constituencies in favor of opposition candidates because of serious precinct irregularities and dismissed the election commission members of these six constituencies citing the members' involvement in fraud or failure to following election pro-

cedures. The CEC also dismissed a total of 108 precinct-level election commissions and 6 constituency commissions, also on fraud-related grounds.

In a December 1 hearing to certify the election results, the constitutional court annulled the results of an additional 6 constituencies, bringing to 10 the total number of annulled constituencies that will be rerun in May 2006; however, the 6 additional annulments also included the court's reversal of previous CEC decisions. Opposition supporters criticized the court's action because it cancelled a race previously awarded to an opposition Azadliq bloc candidate as well as a race that Azadliq claimed it had won in a fair contest.

The CEC and constitutional court actions did not fully address reports of fraud and other irregularities or allay the concerns of the international community about the extent to which the results fully reflected the will of the people.

Some opposition members refused to take their seats in protest of election fraud. The OSCE's final election assessment was pending at year's end.

The most recent presidential election was held in October 2003 and formally brought Ilham Aliyev to power. This election failed to meet international standards for democratic elections due to a number of serious irregularities.

In December 2004 nationwide municipal elections were marred by widespread fraud and serious irregularities, including ballot-box stuffing, forging of voters' signatures, multiple voting, voting without proper identification, and intimidation of election officials and voters by local government authorities appointed by the presidential administration. There were also technical problems.

Opposition parties played an active role in politics. There were 48 registered political parties in the country, at least 20 of which were considered to be opposition. Members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. Incidents of police harassing members of opposition political parties or their families increased (see section 1.f.) in connection with November's national parliamentary elections.

In August violent gangs attacked the party offices of the PFP in Baku and Naxhchivan in the immediate aftermath of the government's high-profile arrest of Ruslan Bashirli on charges of fomenting a revolution. Progovernment media outlets attempted to link opposition PFP leader Ali Kerimli to Bashirli's arrest, which spurred attacks on the party's offices.

On March 17, the president pardoned the seven opposition leaders arrested in 2003 postelection violence (see section 1.d.). On June 24, the courts vacated the convictions of these persons, allowing them to run for parliament in the November election.

There were no legal restrictions on the participation of women in politics, although traditional social norms limited women's political roles, and they were underrepresented in elective offices. The practice continued of "family voting," whereby men voted on behalf of their wives and other female family members. There were 15 women in the 125-seat parliament. Several women held senior government positions, including deputy speaker of parliament and deputy chair of the CEC.

Ethnic minorities such as the Lezghins, Talysh, and Avars continued to serve in parliament and in government.

Government Corruption and Transparency.—The law penalizes corruption by outlawing bribery; however, there was widespread public perception of corruption throughout all facets of society, including the civil service, government ministries, and the highest levels of government. According to the prosecutor general's office, criminal cases related to corruption were opened during the year, specifically on bribery charges; however, these cases had little or no impact on the prevalence of bribery and corruption in the country.

In January a new anticorruption law came into force that required public officials to report annual income, sources of income, property owned, and financial liabilities. It also prohibited nepotism and limited giving gifts and direct or indirect financial benefits to public officials or third parties; however, official records do not exist to validate the implementation of this law.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although the government maintained ties with some human rights NGOs and responded to their inquiries, on occasion the government criticized and intimidated other human rights NGOs and activists. The MOJ routinely denied or failed to register some human rights NGOs.

The major local human rights NGOs were the Association for the Protection of Women's Rights, the Bureau of Human Rights and Respect for the Law, the Azerbaijan National Group of ISHR, the Azerbaijan Foundation of Democracy Development and Human Rights Protection, Azerbaijani Committee Against Torture, and the Institute for Peace and Democracy. Most of the leading NGOs affiliated themselves with one of two independent, umbrella organizations: the Human Rights Federation or the Helsinki Citizens Assembly.

The government met with a variety of domestic NGO monitors. The MOJ formed a joint prison condition monitoring commission with several representatives of the NGO community. The ministry also formed a joint political prisoner review committee with several representatives of the human rights community. In August the MIA granted permission for the first time for an NGO to have immediate access to police and pretrial detention facilities; the NGO exercised this right without obstruction.

Several NGOs reported that the government and police at times refused to protect them from so-called provocateurs who threatened, harassed, and attacked NGO activists and vandalized their property. Leyla Yunus, director of Institute of Peace and Democracy, received several death threats in connection with her research and reporting. State television aired photographs of her private residence on television and described her as an apologist for Armenia.

Local officials continued to harass and intimidate NGOs working outside Baku. In March the government suspended the activities of the international agricultural development NGO Adventist Development and Relief Agency, based on the statements of a former employee that, 10 years ago, the organization proselytized on behalf of the Seventh-day Adventist Church, with which it is affiliated. In May in Mingechevir, local officials prevented the Legal Education Society, which operated with some foreign funding, from conducting a seminar on civil liberties. The president subsequently dismissed the head of Mingechevir executive authority.

Despite an April 2004 presidential decree to implement the NGO registration law, the process remained cumbersome. The 2003 amendments complicated requirements to register grants from foreign entities and subjected the funds to a social security tax of 22 percent on employee salaries, while grants from a few countries with bilateral agreements with the government were subject to only a 2 percent tax. NGO activists reported that these provisions of the tax code inhibited their organizations' activities.

In August vigilante groups protested outside of the offices of a leading international democracy NGO because an arrested youth group activist falsely claimed that the organization trained him to foment revolution in the November election.

The government permitted visits by UN representatives and other international organizations such as the ICRC. International NGOs, such as Human Rights Watch and Reporters Without Borders, generally operated without government hindrance.

In July the OSCE representative on freedom of the media visited the country and subsequently issued a report of observations and recommendations (see section 2.a.).

On October 25, a presidential decree reversed a ban on election observation by NGOs receiving more than 30 percent of their financial support from international sources (see section 3).

Citizens may appeal violations committed by the state or by individuals to the ombudswoman for human rights. During the year the ombudswoman received 6,200 complaints, approximately 3 thousand of which were defined as authentic human rights violations accepted by the office for investigation. The ombudswoman may refuse to accept cases of abuse that occurred over a year ago, anonymous complaints, and cases already being handled by the judiciary. The ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats working on human rights activities, and submitted an annual report to parliament. Compared with previous years, the ombudswoman was more outspoken in her criticism of government actions: in September she sharply criticized the NTRC for closing down a regional radio station of a large, independent media conglomerate before the election. However, local human rights NGOs and activists criticized the ombudswoman's work as ineffective and generally regarded her as not independent of the government.

The parliament and MOJ also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the human rights office within the Foreign Affairs Ministry regularly met with the diplomatic community to discuss issues of concern. The parliament's human rights body did not operate fully independent of government influence.

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

The law provides for equal rights without respect to gender, race, language, disability, or social status, but the government did not always respect these provisions or effectively enforce them. Violence and discrimination against women, trafficking of persons, and discrimination against ethnic Armenians were problems.

Women.—Violence against women, including domestic violence, continued to be a problem. In rural areas, women had no effective recourse against assaults by their husbands or others; there are no laws on spousal abuse or specific laws on spousal rape. Rape is illegal and carries a maximum 15-year prison sentence. The government stated that 44 rapes and attempted rapes were reported during the year. Most rape victims reportedly knew their assailants but did not report incidents out of fear and shame.

There were no government-sponsored programs for victims of domestic violence or rape. In Baku a women's crisis center operated by the Institute for Peace and Democracy provided free medical, psychological, and legal assistance for women. During the year the center provided services to 2,772 women, and 1,518 women called the center's crisis hot line. The institute also broadcast three public service announcements and short films in the regions, covering women's legal rights and court procedures.

Prostitution is not a crime but is an administrative offense punishable by a fine of up to \$100 (500 thousand manat). Pimps and brothel owners may be sentenced to prison for up to six years. Prostitution was a serious problem, particularly in Baku. Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment was prohibited by law, and the government reported that it investigated 46 cases of sexual harassment during the year.

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and poor economic conditions continued to restrict women's roles in the economy, and there were reports that women had difficulty exercising their legal rights due to gender discrimination. Women were underrepresented in high-level jobs, including top business positions.

Children.—The law requires the government to protect the rights of children with regard to education and health care. In practice difficult economic circumstances limited the government's ability to fulfill its commitments.

Public education was compulsory, free, and universal until the age of 17. The Ministry of Education reported 100 percent elementary school attendance, 97 percent middle school attendance, and 88 percent high school attendance during the year; the UN Children's Fund reported the elementary school figure was approximately 88 percent. The highest level of education achieved by the majority of children was high school. In impoverished rural areas, large families sometimes placed a higher priority on the education of male children and kept girls to work in the home. Some poor families forced their children to beg rather than attend school (see section 6.d.).

The government provided a minimum standard of health care for children, but the overall quality of medical care was very low.

There were isolated reports of child abuse and of trafficking in children (see section 5, Trafficking), and the government reported that it opened an investigation into one case of child trafficking.

Child marriage was not considered a significant problem, although evidence suggested it was growing, primarily in rural central and southern regions among poor families.

A large number of refugee and IDP children lived in substandard conditions in camps and public buildings. In some cases, these children were unable to attend school.

Trafficking in Persons.—The government adopted new legislation in June and amendments to the criminal code in October criminalizing trafficking in persons. However, for most of the year trafficking was not a criminal offense. The government prosecuted traffickers under laws prohibiting rape, forced prostitution and labor, and forgery of travel documents. Most trafficking-related crimes prosecuted during the year carried maximum penalties between 3 and 6 years' imprisonment, except for rape and sexual violence, which both carried maximum 15-year prison sentences. There also are specific criminal penalties for enslaving, raping, and forc-

ing children into prostitution. During the year the government opened 160 criminal investigations resulting in 153 convictions of individuals charged with trafficking-related crimes.

The deputy minister of internal affairs was the national coordinator for government antitrafficking activities, monitoring relevant government bodies' efforts and dealing with the NGO community. Government bodies involved in antitrafficking included: the Ministries of Internal Affairs, Foreign Affairs, Justice, National Security, and Health; the prosecutor general; the state border guard; customs; and the State Committee on Women's Issues.

The government regularly collaborated with neighboring countries on antitrafficking investigations.

The country was primarily a country of origin and transit for trafficked women, men, and children for sexual exploitation and forced labor. Russian, Central Asian, and local women and girls were trafficked from or through the country to the United States, United Arab Emirates (UAE), Turkey, Iran, and Pakistan for work in the sex industry. There was also internal trafficking of women for sexual exploitation. The government reported it identified 231 trafficking victims: 218 Azerbaijani, 11 Uzbek, 1 Russian, and 1 Kyrgyz. During the year the government also reported one case of trafficking of a child.

Women and girls were trafficked internally from rural areas to the capital for sexual exploitation, men were trafficked to Turkey and Russia for forced labor, and boys were trafficked internally for begging. Iranians, Iraqis, Afghans, and migrants from South Asia were smuggled through the country to Europe—particularly Germany, Sweden, France, and the Netherlands—and to the US, where they at times had their passports confiscated and were subjected to forced labor. Traffickers generally targeted women. Refugees, IDPs, and the rural poor faced a higher risk of being trafficked.

Traffickers were either foreigners or ethnic Azerbaijanis who acted in loose concert with international networks. They approached victims directly and indirectly through friends and relatives, usually offering to arrange employment abroad. Traffickers also used deceptive newspaper advertisements offering false work abroad. Traffickers reportedly used forged documents to move victims. Traffickers also used fraudulent marriage proposals from men posing as Iranian businessmen to lure women into prostitution in neighboring Iran. Some families willingly married their daughters to wealthy Iranians without concern for the actual outcome.

There was no evidence of official complicity in trafficking, but corruption in some government agencies facilitated trafficking.

In late June parliament passed antitrafficking legislation increasing protections for trafficking victims by relieving them from civil, administrative, and criminal responsibility for offenses committed under coercion, intimidation, or other trafficking conditions. The law also allows the use of pseudonyms to protect the identity of trafficking victims and provides for assistance and shelters for trafficking victims. October revisions to the criminal code implemented this legislation.

There was no standardized mechanism to return trafficked women to the country. According to the IOM, some Azerbaijanis and third country nationals who were either victims of trafficking or engaged in prostitution were deported to the country, primarily from Turkey and the UAE. However, the government had no program to assist them.

The government also referred victims to international organizations and domestic NGOs for assistance. The IOM and OSCE provided training for domestic NGOs on how to operate emergency hot lines, conduct awareness campaigns, and secure housing for trafficking victims. There were no known shelters for victims, but some NGOs, which cooperated with the government, reportedly sheltered victims in private homes.

During the year the government continued to implement its antitrafficking action plan. The government identified a site for a trafficking victims' shelter and by year's end began renovations to the building. With international assistance, the government developed but did not implement a standardized recruitment, selection, and testing process for police officers of the new antitrafficking unit.

Several NGOs, such as the Institute for Peace and Democracy and Clean World, and government bodies, such as the State Committee for Women's Issues, worked on antitrafficking activities. There were no government-sponsored antitrafficking public education campaigns, although the Ministry of Education supported school information programs run by domestic NGOs.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, and access to health care, or the provision of other state services, but discrimination in employment was a problem. It was commonly believed that children with disabilities were ill and needed to be separated

from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There are no legal provisions mandating access to public or other buildings for persons with disabilities, and most buildings were not accessible.

Care in facilities for the mentally ill and persons with disabilities varied—some provided adequate care while others lacked qualified caregivers, equipment, and supplies to maintain sanitary conditions and provide a proper diet.

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

National/Racial/Ethnic Minorities.—Some groups complained that authorities restricted their ability to teach or print materials in their native languages. Specifically, Farsi-speaking Tallysh in the south, Caucasian Lezghins in the north, displaced Meskhetian Turks from Central Asia, and displaced Kurds from the Armenian-occupied Lachin region reported sporadic incidents of discrimination, restrictions on the ability to teach in their native languages, and harassment by local authorities.

Some of the approximately 20 thousand citizens of Armenian descent living in the country historically have complained of discrimination in employment, schooling, housing, the provision of social services, and other areas. Azerbaijani citizens who were ethnically Armenian often concealed their ethnicity by legally changing the ethnic designation in their passports.

Other Societal Abuses and Discrimination.—The government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against homosexuals.

Section 6. Worker Rights

a. The Right of Association.—The law provides for freedom of association, including the right to form labor unions, but there were some restrictions on this right in practice. The overwhelming majority of labor unions remained tightly linked to the government, with the exception of the independent journalists' unions.

Uniformed military and police are prohibited from participating in unions, although civilians working in the interior and defense ministries were allowed to do so. The law also prohibits managerial staff from joining a union, but in practice managers in state industries often had union dues automatically deducted from their paychecks.

The law prohibits unions from engaging in political activity, although some government-aligned unions ignored this prohibition.

Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. As a result unions did not have resources to carry out their activities effectively. Unions had no recourse to investigate the withheld funds.

The Azerbaijani Trade Union Confederation (ATUC) had approximately 1.5 million members, including 26 labor federations in various industrial sectors. Although registered independently, some workers considered the ATUC closely aligned with the government.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 60 thousand workers, whose union dues (1 percent of each worker's salary) were automatically deducted from their paychecks.

There were no reports of government antiunion discrimination; labor disputes were primarily handled by local courts, which, while not exhibiting antiunion discrimination, were widely considered corrupt. There were reports of antiunion discrimination by foreign companies operating in Baku. Most foreign oil companies did not allow union membership.

b. The Right to Organize and Bargain Collectively.—The law allows trade unions to conduct their activities without government interference; in practice most unions were not independent. The law also provides for collective bargaining agreements to set wages in state enterprises, and trade unions actively negotiated with employers, particularly in the formal sector. In reality unions could not effectively participate in negotiating wage levels because government-appointed boards ran major state-owned firms and set wages according to a unified schedule. In addition the Labor Ministry reported that the government continued to have limited success in addressing worker-related issues with foreign companies.

The law provides most workers with the right to strike and workers exercised this right. Categories of workers prohibited from striking include high-ranking executive and legislative officials, law enforcement officers and court employees, health, electric power, water supply, telephone, fire fighters, and railway and air traffic control

workers. Striking workers who disrupt public transportation can be sentenced up to three years' imprisonment. The law prohibits retribution against strikers such as dismissal or replacement.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution allows forced or compulsory labor under certain circumstances, and there were reports of forced or compulsory labor, including trafficking in persons (see section 5).

There were continued reports that some military officers used conscripts as unpaid laborers on construction projects.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for the protection of children from exploitation in the workplace and from work that is dangerous to their health, but there were few complaints of abuses of child labor laws.

The minimum age for employment depended on the type of work. In most instances the law permits children to work from age 15; 14-year-olds may work in family businesses or at after-school jobs during the day that pose no hazard to their health with parental consent. Children under 16 may not work more than 24 hours per week; children between 16 and 18 may not work more than 36 hours per week. The law prohibits employing children under 18 in jobs with difficult and hazardous work conditions. The Ministry of Labor and Social Security is responsible for enforcing child labor laws.

There were reports that some parents forced their children to beg, and children were trafficked internally for this purpose. Children were also trafficked for the purposes of forced labor and sexual exploitation (see section 5).

e. Acceptable Conditions of Work.—During the year the government raised the minimum monthly wage from \$25 to \$30 (150 thousand manat), the third raise in 18 months. The minimum wage was insufficient to provide a decent standard of living for a worker and family, although it was \$6 (30 thousand manat) above the official poverty level of \$24 (120 thousand manat) set by the government. The Ministry of Taxes, the Ministry of Labor, and the State Social Protection Fund legally share responsibility for enforcing the minimum wage. However, in practice the minimum wage was not effectively enforced.

The law provides for a 40-hour work week; the maximum daily work shift is 12 hours. Workers in hazardous occupations may not work more than 36 hours per week. The law requires lunch and rest periods, which are determined by labor contracts and collective agreements. Local companies did not provide premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. The Ministry of Labor reported little success enforcing such contracts and agreements in the informal sector, where most individuals were employed.

The law sets health and safety standards; government inspections of working conditions were weak and ineffective, and standards were widely ignored. The ATUC also monitored compliance with labor and trade regulations, including safety and health conditions. During the year the ATUC reported that it inspected 2,300 enterprises and organizations and found 570 legal and technical violations. The ATUC stated that virtually all of the violations were addressed, and no official complaints were registered.

Workers could not leave jobs that endangered their health and safety without fear of losing their jobs. According to the Oil Workers Rights Defense Council (ORDC), an NGO dedicated to protecting worker rights in the oil sector, five State Oil Company workers died at sea in workplace accidents. One other oil worker died in other industry-related accidents. Workplace accidents were also a problem in other sectors of the economy. The law provides equal rights to foreign and domestic workers, although local human rights groups, including ORDC, maintained that disparities existed, particularly in foreign oil companies.

BELARUS

Under its constitution, Belarus is a republic with a directly elected president and a bicameral National Assembly (parliament). The country had a population of just under 10 million. President Aleksandr Lukashenko, first elected in 1994, systematically undermined the country's democratic institutions and concentrated power in the executive branch through flawed referenda, manipulated elections, and undemocratic laws and regulations. Parliamentary elections and a referendum that removed term limits on the presidency in October 2004 failed to meet international stand-

ards. The civilian authorities generally maintained effective control of the security forces; members of the security forces committed numerous human rights abuses.

The government's human rights record remained very poor and worsened in some areas with the government continuing to commit numerous serious abuses. The following human rights problems were reported:

- denial of citizens' right to change their government through a transparent democratic process
- government failure to account for the disappearance of opposition political figures and a journalist and denial of official involvement in those disappearances
- abuse and occasional torture of prisoners and detainees
- prison overcrowding
- arbitrary arrest and detention of citizens for political reasons
- lack of judicial independence
- imprisonment of citizens for criticizing officials or participating in public demonstrations
- government seizure of leaflets, newspapers, and bulletins from members of civil society
- government closure of several independent newspapers and interference in the operation of others
- massive government fines on independent papers, usually for alleged slander
- security service interference in citizens' right to assemble peacefully and use of force to disperse peaceful protesters
- deregistration and harassment of nongovernmental organizations (NGOs)
- deregistration of churches
- government restriction of citizens' ability to travel abroad freely
- government suppression of opposition political groups through judicial and extrajudicial measures
- domestic violence against women and children
- trafficking of women and girls
- official and societal discrimination against the Romani community
- government interference in the internal affairs of ethnic minority organizations
- official and societal discrimination against homosexuals
- government harassment of independent unions and their members

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports that the government or its agents committed any politically motivated killings; however, at least two persons died in police custody under unexplained circumstances, while unknown persons tortured and killed another at a time when the government was denouncing her NGO, and a journalist died under unexplained circumstances.

On January 7, police detained 18-year-old Maxim Mois for urinating in public. He died the same day under unexplained circumstances at a government detoxification facility. When family members went to collect his body, they reported his arms and legs were tied.

On June 20, 68-year-old Jozefa Waraksa was tortured and killed in the village of Rakov. Her tongue was split lengthwise before she was killed. Waraksa was a local leader in the Union of Belarusian Poles; she was killed during a period in which the government was loudly denouncing the organization and attacking it in the state media (see section 2.b.). Police charged a local resident, A.S. Pototskiy, with murdering her while drunk, and a court sentenced Pototskiy to 15 years in prison.

In August Vasiliy Shevelenko was killed in a government detoxification facility in Svetlogorsk. His father claimed Shevelenko was beaten on the head and neck and that his nose was broken and his arms bruised. Authorities initiated a criminal case against an employee of the facility for abusing his authority in connection with the killing; authorities had not completed the investigation at year's end.

On October 18, independent journalist Vasily Grodnikov was found dead in his apartment in unexplained circumstances. Authorities ruled that no crime had been committed (see section 2.a.).

Authorities reportedly blocked investigations into the killing of several servicemen by unknown persons.

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

On April 7, authorities announced they reopened the investigation into the disappearance and presumed killing of television journalist Dmitry Zavadskiy in 2000. However, the government did not make a serious effort to solve the case. Credible evidence indicated that government agents may have killed Zavadskiy for his reporting that government officials may have aided Chechen separatists. In August President Lukashenko granted the order of For Service to the Motherland to Colonel Dmitry Pavlichenko, named in a Parliamentary Assembly of the Council of Europe report as having played a key role in the disappearances.

On April 14, the UN Commission for Human Rights (UNCHR) approved its third resolution on human rights in the country, urging the government to conduct an impartial investigation into the disappearances of Zavadkiy, opposition figures Yury Zakharenko and Viktor Gonchar in 1999, and businessman Anatoliy Krasovskiy in 1999. The report recommended the suspension of those senior officials suspected of involvement. The UNCHR also extended the mandate of its special rapporteur to examine the country's human rights performance (see section 4).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police and prison guards on occasion beat detainees and prisoners.

On March 11, a police officer in Orsha seriously beat Vasily Sinkovsky, detained on suspicion of theft, breaking four of his ribs and piercing a lung. Criminal charges were filed against the officer for abusing his authority.

At his May 31 trial, opposition party leader Nikolay Statkevich claimed that, after his arrest, he was placed in a cell with a prisoner suffering from dysentery (see section 1.e.). He also complained that authorities did not provide him food for the first day of his detention.

Mogilev police detained youth Zubr activist Evgeniy Suvorov without charge on August 28. Suvorov complained that his hands and feet were shackled behind him and he was held overnight and bent backwards in the "swallow" stress position. Suvorov had previously been arrested for distributing independent newspapers.

There were no reports of police coercing confessions through beatings or psychological pressure during the year.

Police and plainclothes officers occasionally beat individuals while arresting them or holding them in detention for organizing or participating in public demonstrations (see section 2.b.). In October 2004 police used truncheons and other force to break up a protest following the constitutional referendum and arrested at least 150 protesters. Police severely beat United Civic Party (UCP) leader Anatoly Lebedko and a journalist.

There were credible reports that, in March, authorities allowed imprisoned opposition activist Mikhail Marinich to remain in his prison bed for three days after suffering a stroke before providing him medical treatment (see section 1.d.).

Credible reports indicated that police and prison officials continued to mistreat and torture prisoners. Reports from the Mozyr prison in particular claimed that beatings and mistreatment were common practices. Additionally, human rights groups reported prisoners did not receive adequate food, sufficiently warm clothing in winter, and were often denied a bed. As a result, tuberculosis, pneumonia and other diseases were widespread.

On March 14, guards at the Mozyr prison severely beat prisoner Ramazan Mamedbekov, reportedly on orders from warden Yury Zborovskoy, for refusing to perform unpaid work. On March 24, prison guards used excessive force against five convicts in Mozyr, in the process of which Major Shulga reportedly broke the arm of one prisoner. In protest of this abuse, 50 convicts went on a hunger strike.

The practice of hazing new army recruits through beatings and other forms of physical and psychological abuse reportedly continued. Authorities blocked efforts by family members and human rights observers to investigate reports of hazing of servicemen.

Prison and Detention Center Conditions.—Prison conditions remained austere and were marked by occasional shortages of food and medicine and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. Leila Zerrougui, the chairperson of the UN Working Group on Arbitrary Detention, who visited the country in 2004, noted that conditions in detention centers were worse than those in prisons because of improper sanitary and living conditions, restrictions on detainees' rights to make phone calls and receive parcels, and pressure to confess to wrongdoing. According to human rights monitors, conditions in prison hospitals were also poor.

Overcrowding was not a serious problem in the country's prisons, which held approximately 33 thousand prisoners. However, many of the work release prisons, which housed those serving *khimya* (restricted freedom and labor in a remote area), were severely overcrowded. For example, the 74-bed *khimya* facility in Vitebsk housed over 200 prisoners. Facilities in Polotsk, Beryoza, and Zaslavl were also reportedly very overcrowded, causing them to violate sanitary, disease, and fire safety regulations. In many cases, food provided in prisons did not meet individual nutritional requirements.

Pretrial detainees were sometimes held with convicted prisoners. Authorities frequently kept those arrested for political activities in the Okrestina detention center in Minsk. Former detainees reported being placed in greatly overcrowded cells and being forced to take turns sleeping, as there was not room for everyone to lie down. Insufficient food was provided, although families and friends were often permitted to bring detainees food and hygiene products. The cells were damp, underheated, and poorly ventilated.

Authorities sometimes granted human rights observers access to prisons; however, no such visits occurred during the year. In August 2004 authorities provided a delegation from the UN Working Group on Arbitrary Detention general access to prisons and detention centers, but denied the group access to a Committee for State Security (BKGB) detention center on the grounds it had not requested the visit in advance. The delegation indicated that it had not been informed of a notification requirement.

d. Arbitrary Arrest or Detention.—The law limits arbitrary detention; however, the government did not abide by these limits. Authorities continued to arrest individuals for political reasons and use administrative measures to detain political activists before, during, and after protests (see section 2.b.).

Role of the Police and Security Apparatus.—The Ministry of Interior has authority over the police, but the BKGB and presidential security forces also exercise police functions. The president has the right to subordinate all security bodies to his personal command. Petty corruption among police was widespread, although the government made attempts to limit official corruption. Impunity remained a serious problem. While the law gives individuals the right to report police abuse to the prosecutor, the government often did not investigate abuses by the security forces or hold perpetrators accountable.

Arrest and Detention.—Police frequently arrested individuals without a warrant. However, to detain an individual for longer than three hours, police must obtain an order from an authorized individual.

The law requires that police provide an explanation when making a detention; in practice police often detained individuals for several hours for the ostensible purpose of confirming their identity. Authorities frequently used this tactic to detain opposition members and demonstrators, prevent the distribution of leaflets and newspapers, or as a pretext to break up civil society meetings (see section 2.b.). For example, on October 3, police detained and fingerprinted Andrey Malasay of the environmental NGO For a Clean Borisov for passing out schedules for independent television news. On August 24, police in Gomel disrupted a meeting of local NGOs for nearly an hour, demanding to verify everyone's identity. On July 30, police in Dokshitsy detained two Belarusian Popular Front members and seized copies of independent publications. Police also disrupted opposition meetings by detaining organizers for identity checks in Svetlogorsk on June 15, in Sianno on July 3, and in Pinsk on July 10. All were released without charge.

The law allows police to detain a person suspected of a crime for up to 10 days without a formal charge and for up to 18 months to conduct an investigation once charges are filed. The law allows prosecutors and investigators to extend these periods without consultation with a judge. The law gives detainees the right to petition the court to determine the legality of their detention. In practice appeals by suspects seeking court review of their detentions were frequently suppressed because detention officials were unwilling to forward the appeals. The law provides for bail, but bail was not granted in practice.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. While the law requires the government to provide indigent persons with legal counsel from time of detention, authorities did not do so in practice. Information obtained from such interrogations was used against the defendants in court. Suspects were at times denied access to a lawyer. The government frequently failed to notify family members when a detention occurred, including that of a juvenile.

There were a number of individuals detained for political reasons during year. The government arbitrarily detained representatives of independent media (see section 2.a.). The NGO Reporters Without Borders stated that in July authorities arrested, fined, imprisoned, or prevented from entering the country 19 journalists who were trying to report on the Union of Belarusian Poles (see section 2.b.). Plainclothes officials working for the security services also regularly apprehended and detained individuals engaged in antigovernment demonstrations or who distributed opposition materials (see section 2.b.). Security officials also held some detainees incommunicado following demonstrations.

Lengthy pretrial detention was common. Authorities held several prominent political detainees for prolonged periods in pretrial detention without filing formal charges. On May 15, authorities arrested former opposition member of parliament Sergey Skrebets in Minsk on suspicion of bribery; Skrebets remained in detention awaiting trial at year's end. The BKGB held opposition politician Mikhail Marinich in pretrial detention from April to December 2004 before a court convicted him of the theft of computer equipment and cell phones (see section 1.e.).

Amnesty.—Starting in May, authorities released or shortened the sentences by a year of some two thousand prisoners under an amnesty celebrating the 60th anniversary of victory in World War II.

e. Denial of Fair Public Trial.—The constitution specifies that the judiciary is independent, but the judiciary did not operate independently in practice. There was credible evidence that prosecutors charged and courts convicted individuals on false charges.

The president has authority to appoint 6 of the 12 members of the Constitutional Court, including the chairman, and the chairmen of the Supreme Court and the Supreme Economic Court. He also has authority to appoint and dismiss all district and military judges, and credible reports claimed senior judges received housing from the presidential administration. Corruption and inefficiency in the judiciary were generally the result of political interference in the work of the court system. During the year one judge was tried and convicted of corruption.

While members of the political opposition were held in pretrial detention for prolonged periods, the former head of the presidential administration's property management department, Galina Zhuravkova, was held in house arrest from February 2004 until being convicted of embezzling \$3.5 million on February 8. Despite being sentenced to four years in prison, she was never taken into custody.

The criminal justice system has three tiers: district courts, regional courts, and the Supreme Court. The Constitutional Court is supposed to adjudicate serious constitutional issues; however, in practice it was dependent on the executive branch, had no means of enforcing its decisions, and it did not challenge presidential initiatives.

Prosecutors are organized into offices at the district, regional, and republic levels. They are responsible to, and serve at the pleasure of, the prosecutor general, who is appointed by the president. Prosecutors are not independent and do not have authority to bring charges against the president or members of his executive staff.

In April the Office of the UN High Commissioner for Refugees (UNHCR) working group on arbitrary detention released a report that described prosecutors' authority as excessive and imbalanced. The report noted that the decision to hold a person in detention or to extend the period of detention is taken not by a judge but by a prosecutor, acting on the proposal of an investigator. Investigations also are conducted by investigators and prosecutors without effective judicial oversight. The report saw an imbalance between the powers of the prosecution and the rights of the defense. Lawyers do not benefit automatically from the right to examine the investigation file, to be present during the gathering of evidence, or to look at all elements of proof against a client until the prosecutor formally transmits the case to the court. Lawyers found it difficult to call some evidence into question, since technical expertise was under the control of the prosecutor's office. The working group was repeatedly told that, as a result, there are few cases of criminal defendants being found not guilty.

A presidential decree subordinating all lawyers to the Ministry of Justice compromised the independence of lawyers. Lawyers must be licensed by the Ministry of Justice and are required to work for the state in regional collegiums. The law prohibits private attorneys from practicing, and lawyers must renew their licenses every five years. Several lawyers have claimed that they were told their licenses would not be renewed because of their activities in defense of NGOs or opposition political parties.

Trial Procedures.—The law provides for public trials; however, the courts frequently held trials in judges' offices, which prevented interested observers from at-

tending. Several trials, particularly of political figures, were closed to the public. Judges adjudicate most trials; juries determine innocence or guilt only in the case of capital offenses in which the defendant pleads not guilty and demands a jury trial. Judges depended on the Ministry of Justice for funding court infrastructure and on executive branch officials for personal housing, and there were widespread and credible reports that executive and local authorities dictated the outcome of trials.

On October 22, authorities arrested Malady Front activists Dzianis Bujnitski and Siarhei Latsinski in Bobruisk for unfurling a prohibited white-red-white flag at a concert. A judge conducted their trial behind closed doors in jail, where he sentenced them to two days detention for petty hooliganism.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected.

The law provides for access to legal counsel for detainees and requires that the court appoint a lawyer for those who cannot afford one; however, at times these rights were not respected. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits members of NGOs from representing individuals other than members of their organizations in court. This decree was used on several occasions to deny NGO members the right to defend individuals in court and was also used as a pretext to close certain NGOs (see section 4).

The laws establish a presumption of innocence; however, in practice defendants frequently had to prove their innocence.

Defendants have the right to appeal court decisions, and most criminal cases were appealed; however, appeals rarely resulted in verdict reversals. In an appeal, neither defendants nor witnesses appear before the court; the court only reviews the protocol and other documents from the lower court's trial. In 2004 the chairman of the Supreme Court stated that only 1.5 percent of court decisions were overturned on appeal.

Political Prisoners.—The number of reported political prisoners increased.

On May 31, a Minsk court sentenced Nikolay Statkevich and Pavel Severinets to three years of *khimya* in a politically motivated trial for organizing unsanctioned protests after the October 2004 referendum. Both sentences were later reduced to two years in a general amnesty. As the result of earlier politically motivated convictions, Statkevich served a 10-day sentence and Severinets a 15-day sentence for the same crime in October 2004. Those serving *khimya* live in prison barracks and are forced to find work under conditions set by the government. Severinets, head of a prodemocracy NGO, was sent to the village of Maloye Sitno, where he worked in a railroad station. Statkevich, leader of an opposition party, was sent to Baranovich to be close to his family; on August 9, he was tried on the politically motivated charge of holding an unsanctioned meeting after several supporters visited him on July 29.

On June 10, a Minsk court sentenced Andrey Klimov to 18 months' *khimya* in a politically motivated trial for organizing an unsanctioned protest on March 25. Klimov subsequently found work as a street cleaner in the small town of Krupki. In 2004 Klimov announced his intention to run for president against Lukashenko. He previously spent four years in prison for alleged embezzlement.

In a general amnesty, on July 7, authorities released opposition activist Aleksandr Vasilev, who was sentenced in September 2004 with another opposition activist, Valery Levonevskiy, to two years in prison in politically motivated trials for authoring a poem insulting President Lukashenko. On December 9, prison officials prohibited Levonevskiy from sending letters to foreign embassies, claiming prisoners could only write to their own country's embassy. On December 15, prison officials denied Levonevskiy permission to attend his father's funeral, claiming he broke too many prison rules. Levonevskiy remained in prison at year's end.

On August 5, the government amnestied and released researcher Yury Bandazhevsky, imprisoned in 2001 on charges of corruption. Many believed Bandazhevsky was arrested and tried because his research disputed government statements on the effects of Chernobyl radiation on health.

On August 18, a general amnesty reduced the prison sentence of opposition political figure Mikhail Marinich to two and a half years. In December 2004 the court sentenced Marinich to five years in prison for stealing property of an NGO he headed, even though the NGO had not claimed that the property was stolen. Marinich, a former government minister and presidential candidate, was widely regarded as a likely opponent of President Lukashenko in elections scheduled for 2006. During the trial, the prosecutor asked numerous questions about Marinich's political activities that were unrelated to the charges, lending credence to accusations the trial

was politically motivated. The court also ordered confiscation of \$90 thousand found on Marinich's person at the time of his arrest, even though the money was unrelated to the charges.

There were several instances of authorities convicting and sentencing prodemocracy activists to short prison terms, then using alleged fights with cellmates as a pretext to prolong imprisonment.

On March 10, a court sentenced Anatoly Shumchenko to 10 days in prison for organizing an unsanctioned protest (see section 2.b.). While in prison, authorities charged him with hooliganism for allegedly fighting with his cellmate. His cellmate reportedly told a journalist that a BKGB officer paid him \$93 (200 thousand rubles) to pretend Shumchenko had beaten him. Shumchenko spent 30 days incarcerated before the charge was dropped and he was released.

On August 2, a court sentenced Tadeusz Gavin to 15 days in prison for participating in an unsanctioned protest. In mid-August the court added 15 days to his sentence for allegedly attacking a cellmate. On November 14, the Supreme Court annulled the second sentence for lack of evidence of a crime, after Gavin had served the time.

On August 24, Minsk police arrested two Georgian prodemocracy activists, Georgy Kandelaki and Luka Tsuladze, for alleged problems with their identification. On August 26, two Georgian consuls arrived in Minsk to assist their citizens, but were denied access until August 30. On August 29, a court sentenced Kandelaki and Tsuladze to 15 days in prison for hooliganism after allegedly insulting a cellmate. They were denied access to a lawyer or translator for the trial. The two appealed successfully and were deported on September 2.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government did not respect these prohibitions in practice. In addition the law provides penalties for those who obstruct BKGB officers in the performance of their duties, even though these actions may in principle be illegal. Any effort to prevent BKGB officers from entering the premises of a company, establishment, or organization is an administrative offense, as is any refusal to allow BKGB audits or to deny or restrict BKGB access to company information systems and databases.

While the law prohibits authorities from intercepting telephone and other communications without a court order, in practice authorities continued to monitor residences, telephones, and computers. The BKGB, the interior ministry, and certain border guard detachments may use wiretaps but must first obtain a prosecutor's permission; the lack of independence of the prosecutor's office rendered the due process protections relating to wiretaps meaningless. The government telecommunications company Beltelecom has a monopoly on Internet service, allowing authorities to monitor practically all e-mail. There were credible reports that the government monitored e-mail sent from Internet cafes and from university networks.

The government owned a majority share in all cellular telephone companies. Ministry of Communications contracts for telephone service prohibited subscribers from using telephone communications for purposes that ran counter to state interests and public order. The ministry has the authority to terminate telephone service to those who breach this provision. There were several instances where prodemocracy activists had their cell phones disconnected as they attempted to spread information about peaceful demonstrations. On October 15, the cellular telephone company Velcom disconnected the mobile telephones of opposition activists spreading information asking citizens to place lit candles in their windows to protest government excesses.

The law requires a warrant for searches; however, the BKGB entered homes, conducted unauthorized searches, and read mail without warrants. In May a new law took effect giving the BKGB authority to enter any building at any time, so long as it applies for a warrant within 24 hours after the entry took place. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups.

Authorities conducted searches of residences for clearly political reasons. For example, on March 24, police raided the office of the *Zhoda* newspaper and confiscated decorations from office walls, including altered photographs of Lukashenko; *Zhoda's* editor Aleksey Karol and deputy editor Aleksandr Sdvizhkov were each fined \$1,200 (2,550,000 rubles) in September for "disseminating false information" through the altered photos. During the night of July 9, armed security forces smashed a window and broke down a door to enter the Minsk home of Vladimir Kishkurna, a local party leader. Claiming they found illegal ammunition, authorities seized a printing press stored at the residence and arrested Kishkurna's son. On September 24, authorities in Vitebsk used the pretext of searching for a bomber to search the homes of five political activists. During the searches, authorities confiscated printed mate-

rial and flags, and copied computer and cell phone memories. On November 26, police searched the apartment of Mariya Bogdanovich, claiming that neighbors reported she was hiding illegal Vietnamese immigrants. Police seized 1,500 copies of an independent newspaper. Bogdanovich had been fined \$93 (200 thousand rubles) on November 21 for passing out the previous edition of this paper.

Nearly all opposition political figures reported that authorities monitored their activities and conversations. During the trial of Mikhail Marinich, the prosecutor introduced as evidence a number of transcripts of Marinich's phone conversations that had been recorded by the BKGB (see section 1.e.). Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services.

There were numerous reports that the government coerced young people to join the pro-Lukashenko state-funded NGO Belarusian Republican Youth Movement (BRYM). There were credible reports that military conscripts were ordered to join the BRYM, and university students reported that proof of BRYM membership was often needed to register for popular courses or acquire a dormitory room.

There was one report that authorities threatened to punish family members for alleged violations of individuals. In March court officials visited the home of Mikhail Marinich's ex-wife and confiscated \$1,860 (4 million rubles) worth of personal property towards payment of his fine (see section 1.e.). This occurred although the two had divorced two years before his alleged crime, Marinich had no property at his ex-wife's, his fine was only \$3.68 (eight thousand rubles), and the government had already seized \$90 thousand from Marinich. On June 7, a judge ordered a portion of these belongings returned to the family.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the government did not respect these rights in practice.

On November 23, President Lukashenko told reporters that his government uses "serious pressure" to control the media and that he is in charge of this process. Individuals could not criticize the government publicly without fear of reprisal, and authorities attempted to impede criticism of the government, for example by videotaping political meetings and checking the identities of meeting participants (see sections 1.d. and 3). The law also limits freedom of expression by prohibiting the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the government or public order. For example, on March 9, police arrested Yevgeny Afnagel after they found a white-red-white nationalist flag on him during a search. On July 4, police detained artist Ales Pushkin for several hours after he attempted to display his portraits of nationalist World War II resistance fighters outside the National Fine Arts Museum. On August 6, authorities in Zelva disrupted a birthday celebration and seized several prohibited nationalist white-red-white flags.

In December parliament passed and the president signed a series of amendments that greatly inhibited the freedoms of speech and assembly. These amendments make it a crime, punishable by up to three years in prison, to give "false" information about the political, economic, social, military, or international situation of the country to a foreigner; to provide information on government agencies or the rights of citizens; to participate in the activities of unregistered NGOs; to participate in public demonstrations; to train people to demonstrate publicly; to finance public demonstrations; or to solicit foreign countries or international organizations to "act to the detriment" of the country.

The government took steps to restrict independent media. A March report by the Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media found the situation had deteriorated, with fewer independent media outlets and greater use by the government of administrative pressures to limit free expression.

The highest circulation newspapers and other print media were state-owned and printed only materials supportive of the government. There were independent small-circulation newspapers, including two dailies, and magazines, many of which engaged in criticism of the government. Local authorities frequently warned independent editors to avoid certain stories or criticism of the government. Authorities also warned businesses not to advertise in newspapers that violated this guidance. In January the information department of the Grodno regional government sent a letter to all state-run enterprises in the region warning them not to advertise in independent newspapers.

During the year the government closed five independent newspapers. Many other independent papers received warnings from the Ministry of Justice. For example, on July 4, Minsk mayor Mikhail Pavlov cancelled the registration of independent

newspaper *Den*, claiming it had not printed an edition in six months; the cancellation followed the May 26 seizure by police of 1,990 copies of *Den*, printed in Russia, on the pretext they listed an incorrect address for the newspaper. On August 24, Minsk judge Tamara Benchuk annulled the registration of Press-Service, which printed the independent newspaper *Kuryer iz Borisova* with a weekly distribution of 17 thousand, because of missing clauses in its charter.

In mid-November, authorities informed independent newspaper *Gazeta dlia Vas*, in Ivatsevichi, that it would be evicted from its office of three years to make room for harvest festival planning. On December 9, authorities informed the Pinsk-based independent newspaper, *Myastsovy Chas*, that its contract would be broken and the paper evicted from its office. No reason was given for the eviction. Earlier in the year authorities had also evicted the independent newspaper *Vitebskiy Kurier*.

In May authorities in Ivatsevichi prohibited public kiosks from selling independent newspapers. State-owned stores across the country also stopped selling independent newspapers. While independent newspapers could still be purchased from independent sellers, their circulation was seriously restricted by these measures.

In early April the ideology department of Borisov City ordered enterprises and state organizations not to subscribe to the independent newspapers *Kurier iz Borisova* and *Borisovskie Novosti*.

The Ministry of Information, tax inspectors, and other government bodies subjected independent media to numerous inspections. In January authorities refused to register offices of local independent newspapers *Volny Gorod* and *Mestnaya Gazeta*.

The arbitrary use of presidential power, often exercised through presidential decrees, created additional obstacles to an independent press. In July and August, President Lukashenko signed decrees restricting foreign and domestic sources from giving money to organizations for broadly defined political activities, including the distribution of information. These edicts followed a 2003 presidential decree which was used to crackdown on independent media outlets and NGOs. The Belarusian Association of Journalists announced September 16 that the number of independent newspapers had been severely reduced over the previous five years and that no new independent newspapers had appeared in that time.

Among broadcast media, only the state-run radio and the state-run television networks ONT and Belarusian Television broadcast nationwide. The government continued to make use of its near monopoly on television broadcasting to spread the official version of events and to minimize the presentation of opposing points of view. The state-owned broadcast media continued to marginalize the political opposition by depicting it negatively or ignoring it altogether. Local independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most were under government pressure to forego reporting on national-level issues or subject to censorship. Russian channels NTV and RTR were generally available, although in many parts of the country only through pay cable services. However, their news programs were at times blocked from broadcast, or temporarily replaced with Belarusian programming. Broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country.

During the year the government took actions that systematically reduced public access to foreign broadcast media. In January the state-owned television station LAD stopped rebroadcasting EuroNews. In June the Ministry of Information prohibited the broadcast of Ukrainian channel Inter-Plus and other Ukrainian television channels in the country. In October the Grodno cable company Garant stopped broadcasting the First Polish Television Channel, reportedly on order of the Ministry of Information.

On November 25, the Mir broadcasting company blocked journalists from transmitting abroad their coverage of a strike in Minsk (see section 6.b.). A Mir spokesman claimed the transmitting equipment was down for scheduled maintenance at the time of the strike. Police prevented many reporters from approaching the peaceful strike.

The government harassed and arrested journalists during the year. Several foreign journalists, particularly Poles, were prevented from entering the country or arrested after their arrival. Twelve journalists, including four from Poland, were detained for several hours on July 27 as they attempted to report on the Union of Belarusian Poles NGO. On August 6, authorities deported Polish journalist Adam Tuchlinski and prohibited him from returning for five years. On August 10, customs officers confiscated all videotapes, containing interviews with party and NGO leaders, from Polish reporter Mikolaj Wawrzenuik.

On August 26, police in Schuchin detained journalists Andrzej Poczobut and Ivan Roman for 24 hours for allegedly swearing outside a police station. The same day police also temporarily detained journalist Stanislav Poczobut. The three were trying to cover a Union of Belarusian Poles congress (see section 2.b.). On August 29, police again detained Andrzej Poczobut, this time for three days.

On March 20, Grodno police detained three Polish journalists, Adam Tuchlinski, Michael Kacewicz, and Martyn Smialowski. The three were accredited to observe parliamentary by-elections. Police held them for three hours and erased their video footage of voting.

On October 18, freelance independent journalist Vasily Grodnikov was found dead from a blow to the head by a blunt object inside his locked apartment. His brother, who found the body, reported signs of a struggle. On November 28, police announced there was no sign of a crime and closed the case. The prosecutor general's office reopened the case the next day but, on December 15, announced there was no crime, that Grodnikov died as a result of "his careless actions."

During the year police made no progress in investigating the October 2004 killing of Veronika Cherkasova, a journalist for the independent *Solidarnost* newspaper. While the official investigation centered on domestic violence, some members of the independent media viewed her death as related to her work, which included critical articles on the BKGB. On December 27, investigators closed the case citing their inability to identify the perpetrator.

The government censored the media. Authorities imposed huge fines on journalists and editors for criticism of the president or his supporters, and many publications subsequently engaged in self-censorship. Authorities fined, warned, or jailed members of the media, members of the opposition, civil society, and religious groups who publicly criticized the government. The defamation law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance in office by a media outlet may ask the prosecutor to sue both the journalist who reported and the media outlet that printed the criticism.

The law specifies that the government may close down a publication after two warnings of violations of various restrictive laws, and authorities continued to frequently use such warnings to pressure independent newspapers. Regulatory provisions also grant authorities power to arbitrarily prohibit or censor critical reporting. For example, the state committee on the press has authority to suspend the publication of periodicals or newspapers for three months without a court ruling. The law also prohibits the media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs. On April 13, the Ministry of Justice warned *Narodnaya Volya* for an article it wrote on the unregistered NGO Defenders of the Fatherland.

The government tightly controlled the content of television broadcasts. There were credible reports during the year that the BKGB censored national television news broadcasts.

The government used libel laws to suppress criticism of political leaders. The law provides for punishment of public insults or libel against the president by up to four years' imprisonment, two years' *khimya*, or a large fine. Authorities continued to use such laws, which also penalize insults to other government officials, to stifle press freedom and to imprison political opponents (see section 1.e). The laws penalizing slander of officials effectively constituted a prohibition on press criticism of the government.

In January the private *Pressbol* sports newspaper was ordered to pay a \$14 thousand (30 million ruble) fine and its editor, Vladimir Berezhkov, a \$4,600 (10 million rubles) fine for an October 2004 article claiming that Andrey Imanali, deputy head of the Belarusian Gymnastics Federation, was involved in organized crime. In July Imanali was charged with abduction in Russia and accused of long association with organized crime; this charge did not mitigate *Pressbol's* fines.

On May 23, Minsk authorities reopened a slander case against human rights activist Harry Pogonyailo. In November 2004 Pogonyailo gave an interview to Swedish journalists discussing the disappearance of Belarusian opposition figures. The interview never aired, as customs officials confiscated the tape. Authorities dropped the slander case on November 16.

On June 14, Minsk judge Lyubov Valevich ordered independent newspaper *Narodnaya Volya* to pay \$46 thousand (100 million rubles) to Sergey Gaidukevich, leader of a progovernment party, for claiming he was involved in violating the Iraqi Oil-for-Food Program, even though a number of reputable international sources documented Gaidukevich's involvement.

On September 30, judge Basko, in Minsk's October Region court, fined the independent newspaper *Belorusskaya Delovaya Gazeta* \$23 thousand (50 million rubles)

and one of its journalists \$2,300 (5 million rubles) for allegedly libeling a former police officer in a 2003 article.

The government took numerous other actions during the year to limit the independent press, including limiting access to newsprint and printing presses, restricting the import of media-related materials, and temporarily suspending independent and opposition periodicals.

In November and December, authorities removed 17 independent newspapers from the state subscription list, making it impossible to subscribe to these newspapers. The state postal system, Belpochta, and the state kiosk network, Belsoyuzpechat, refused to distribute most of these newspapers. On December 22, the regional state kiosk system Vitebskoblsoyuzpechat stopped distributing independent *Vitebskiy Kurier*.

Several independent newspapers, including *Belorusskaya Delovaya Gazeta*, *Den*, and *Solidarnost* printed their materials in Russia because domestic printing presses (mostly state-owned) refused to print them. State printing houses refused to print four independent newspapers, including one of the country's two independent daily newspapers, *Narodnaya Volya*. On November 17, *Narodnaya Volya* sued the Krasnaya Zvezda printing house for breach of contract and won, but Krasnaya Zvezda did not resume printing, as it planned to appeal.

The government successfully discouraged companies that owned printing presses from printing the legally authorized leaflets of opposition candidates and parties by threatening them. During the autumn State Control Committee inspectors conducted detailed audits of many printing houses to see if they had printed material for the opposition. Although there are no laws against owning printing presses, authorities seized at least one opposition press (see section 1.f.).

The government restricted cultural events. During the year the government continued to prohibit six popular musical groups that had performed at a July 2004 opposition concert from appearing in concert or their music from being played on radio or distributed on compact disk or tape.

The government restricted the Internet. On August 16, the BKGB raided two apartments in Minsk and one in Grodno looking for the author of satirical cartoons lampooning the government, which were posted on the Internet. The BKGB seized a number of computers and detained three members of the NGO Trety Put for several hours of questioning. The three were told that they may be charged for slander, although no charges had been brought by year's end. On March 12, Grodno authorities closed the Internet chatroom *forum.Grodno.by* after declaring it "subversive." Beltelecom subsequently fired the chatroom's administrator, Aleksey Rads. On January 4, deputy education minister Tatiana Kovaleva complained that the Internet hindered educational and ideological processes and suggested that the government limit students' access to the Internet and impose education ministry control over Internet service providers and Internet cafes. Some students claimed state university officials monitored Internet usage on university networks. In early January the government blocked access to several Russian web sites for their alleged homosexual content.

On November 15, Minister of Education Aleksandr Radkov announced that all schools, including private institutions, are political bodies, must follow state orders, and cannot be headed by opposition members. Radkov also asserted his right as minister to appoint and dismiss the heads of private educational institutions.

The government restricted academic freedom, in part by requiring all educational institutions to teach and all students to study an official state ideology that combined reverence for the achievements of the Soviet Union and Belarus under Lukashenko with advocacy of an authoritarian, Soviet-style political and social structure. During the year the National Academy of Sciences fired three historians whose research was considered "anti-Soviet" or "anti-Russian." Authorities increasingly enforced a February 2004 presidential decree that requires every school to have an ideological officer on its staff. On January 21, the vice rector and administrator for ideology at Baranovichi State University were fired for failing to prevent students from performing a skit mocking President Lukashenko.

The government tasked the state youth organization BRYM with ensuring ideological purity among youth. Students reportedly were pressured to join the BRYM in order to receive benefits and rooms in dormitories and local authorities pressured BRYM members to campaign on behalf of government candidates.

Government-mandated textbooks showed a heavily propagandized version of historical events as well as other subjects.

On May 23, the Ministry of Education circulated a directive to all educational institutions calling for the expulsion of any student who engaged in antigovernment or unsanctioned political activity, and for the proper ideological education of all students. Student organizations credibly claimed that authorities expelled dozens of

students for their political activities during the year. On August 27, Minsk Mayor Mikhail Pavlov publicly ordered school administrators to keep their students from becoming politically active.

In May, Belarusian State University expelled journalism student Olga Klaskovskaya. Klaskovskaya worked for the independent newspaper *Nardonaya Volya* and had recently filed a complaint to the prosecutor general stating police had mistreated her as she covered a demonstration. The university claimed it expelled her for missing exams when she was caring for her sick child.

On November 24, the Belarusian State Economic University (BSEU) expelled fourth year student Tatiana Khoma for “violating the internal order of the university” and immediately evicted her from her dormitory room. Khoma had recently traveled to France, where she was elected to the executive committee of the National Unions of Students in Europe. In defending the expulsion, BSEU rector Vladimir Shimov said Khoma had traveled to France without the permission of the university; Shimov added that she was the 51st BSEU student expelled since September for traveling without permission.

Several members of opposition-oriented youth groups were expelled from institutions of higher education for their political activities. In May the Zhodino Polytechnic School expelled a 16-year-old for participating in a Chernobyl commemoration event. On September 19, the Zhodino city court dismissed the student’s appeal to be readmitted. Another student, from Pleshchenitsy, claimed he was expelled for participating in the same event. On November 27, schools in Svetlogorsk threatened to expel students who participated in the Days of Solidarity on the 16th of each month. There were several unconfirmed reports that the government expelled politically active youth and assigned them to work in Chernobyl-affected regions.

On September 23, President Lukashenko justified the July 2004 government closure of the European Humanities University, the country’s premier independent university, and the 2003 closure of the Belarusian National Humanities Lyceum on the grounds that the schools had sought to educate a new national elite that would turn the country to the West.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. Police and other security officials beat and detained demonstrators following several unsanctioned but otherwise peaceful demonstrations.

By law, organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision no later than 5 days prior to the scheduled event. However, authorities either did not grant permits to opposition groups or granted them only for demonstrations in out-of-the-way locations. A single infraction of these regulations entitles the government to shut down the organization concerned.

Demonstrators are required by law to pay for damages from demonstrations and for the presence of police and medical personnel, although this requirement was generally not enforced in practice. Only political parties, trade unions, or registered organizations may request permission for a demonstration of more than one thousand individuals. The law also prohibits the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the state or public order (see section 2.a.).

There were demonstrations in Minsk, varying in size from a few participants to approximately 2,500 persons. However, the government always kept such demonstrations under strict surveillance, and police and plainclothes security officers openly videotaped participants.

There were several reports that police beat demonstrators during protests. There were also reports that police violently pulled demonstrators into police vans. On April 26, interior ministry riot police broke the wrist of a 14-year-old at a Chernobyl protest in Minsk. On May 24, riot police detained eight minors protesting the renaming of Minsk streets. The riot police threw the eight into a bus, where they were beaten. Police punched one girl in the face, causing her to bleed. On July 7, an interior ministry police officer punched Svetlana Zavadskaya, widow of one of the “disappeared,” in the face during a peaceful protest in Minsk. Authorities declined to investigate the attack, which was videotaped by journalists, claiming the police officer acted in self-defense. On September 16, interior ministry riot police beat Nikita Sasim at a protest in Minsk. Sasim spent six days in the hospital with a concussion. Police beat at least five other youth activists at the same event, causing bruises and ripping their clothes. On November 22, police sergeant Ivan Dulub reportedly dislocated Ales Kalita’s arm after Kalita was arrested for distributing independent newspapers.

Authorities routinely broke up peaceful demonstrations and arrested participants. For example, on March 1, two thousand market vendors in Minsk protested an increase in the value-added tax. Police allowed the demonstration but that evening arrested Anatoly Shumchenko, a leader in the Perspektiva NGO, and Marina Bogdanovich. A court sentenced Shumchenko to 10 days in prison and fined Bogdanovich \$2,180 (4.7 million rubles); authorities extended Shumchenko's sentence to 30 days for allegedly fighting a cellmate (see section 1.d.).

On April 26, police arrested 33 people for participating in an unauthorized rally marking the 19th anniversary of the Chernobyl disaster, including 14 Russian and 5 Ukrainian citizens. Two of the Russians were journalists. A Minsk court sentenced those arrested to prison terms of 8 to 15 days. Authorities released the Russians after their embassy stated it did not approve of their citizens' actions but required the Ukrainian and domestic arrestees to serve their full sentences. In addition, the court fined Marina Bogdanovich, one of the domestic arrestees, \$1,700 (3.6 million rubles) for her participation.

On August 5, police arrested five members of the Malady Front youth group as they demonstrated in support of Polish policy in front of the Polish Embassy; a court sentenced two of them to 10 days in prison.

On August 27, police arrested three members of the Zubr youth group for holding an unauthorized protest, and a court sentenced them to 10 days in prison. During the year members of the Zubr youth group were arrested more than 400 times. Many were released without charge, but many others received fines or served up to 15 days in jail.

Authorities also made preemptive arrests of prodemocracy activists in advance of demonstrations. For example, police arrested Perspektiva leader Anatoly Shumchenko the day before a February 10 demonstration on suspicion of hitting a pedestrian with his car, and a court sentenced him to 10 days in prison for organizing an unauthorized protest. Police also detained Perspektiva members from Rechitsa and Borisov in advance of the March 1 protests.

The government took other measures to restrict the ability of prodemocracy and civil society groups to meet. During the year authorities continued to deny such groups access to the IBB conference center, a joint venture between German NGOs and the Minsk city government that was established with the goal of giving independent groups a place to meet. Minsk City authorities reportedly threatened to close the center if civil society groups were allowed access. On May 16, the Minsk Hotel informed a Swedish civil society NGO that it could not use its facilities for an NGO conference because the Minsk city ideological committee had informed the hotel that any payments received for this conference would be illegal. In addition the government refused visas to 13 of the 17 Swedish NGO participants. At times authorities disrupted meetings under the pretext of checking documents. On August 23, police in Gomel broke up a meeting of civil society NGO members, claiming they needed to confirm their identities. Local authorities prevented opposition parties from holding local conventions in a number of sites across the country (see section 3).

On October 29, police raided a meeting of the NGO Partnership and detained 60 people. Three of the NGO's leaders were sentenced to 15 days in prison, and one was fined \$270 (580 thousand rubles), for organizing an illegal gathering. Partnership claimed it was meeting to satisfy a Ministry of Justice requirement as a prelude to receiving legal registration.

Freedom of Association.—The law provides for freedom of association; however, the authorities severely restricted it in practice.

The government employed an elaborate system of laws and regulations for the registration of organizations in order to restrict the ability of individuals to form associations that might be critical of the government or immune to official manipulation. All NGOs, political parties, and trade unions are required to register with authorities, and it is illegal to act on behalf of an unregistered organization. The law governing registration of public associations is extremely strict; registration procedures are costly and onerous, requiring the number and names of founders to be specified along with a legal address for the organization in a nonresidential building. Individuals listing themselves as members are vulnerable to retribution. More important, the government's refusal to rent office space to organizations of which it disapproved and the expense of renting private space forced most organizations to violate the nonresidential address requirement, leading to deregistration of existing organizations and denial of registration for new ones.

Authorities greatly accelerated the closure of local political party offices throughout the year. On September 14, Nikolay Zelenko, head of Minsk city's justice department, announced that 292 local party chapters had been closed in Minsk since the beginning of the year. Party sources reported that authorities had closed approxi-

mately 80 percent of their local chapters during the year, mostly for lack of a legal address. The Ministry of Justice reported it issued approximately 400 written warnings to NGOs, political parties, and trade unions during the year, and that courts deregistered 68 NGOs for “systematic or severe violations of the law.” Most active civil society groups had already lost their registration. On December 28, Supreme Court judge Galina Zhukovskaya upheld the decision to close the educational NGO *Belaruskaya Perspektiva* for being registered in a residential building and for containing the word *Belaruskaya* (only official NGOs can be called “Belarusian”). An NGO spokesperson said that the NGO had not needed an office because of its small size and reliance on volunteers. The NGO attempted to find office space to comply with ministry warnings but could not find anyone who would rent them space. On December 29, authorities in Zhodino closed a branch of the Belarusian Language Society, also for lack of a proper legal address.

Harassment in the form of inspections by security officials and confiscation of political literature, usually without warrants, was widespread. On September 16, the customs service stopped activists from the Partnership NGO at Minsk’s airport as they attempted to fly to Warsaw for a conference. The activists were detained two hours, and all their material was seized, but they were allowed to travel. Many other prodemocracy activists also reported being harassed and subjected to extra searches when crossing the country’s borders. On July 1, police stopped four cars driven by local leaders of the Partnership NGO and confiscated 170 thousand copies of the group’s bulletin.

A commission of government officials must review and approve all registration applications. The commission continued to base many of its decisions largely on the political and ideological compatibility of the applicant with the government. Credible reports indicated that most NGOs registered during the year dealt with sports and entrepreneurial interests and none promoted civil society. All but two national-level human rights NGOs have been deregistered or denied reregistration. On April 15, the Supreme Court liquidated the Independent Institute of Socio-Economic and Political Studies, one of two organizations in the country that conducted independent opinion polling, for lack of a legal address and other dubious pretexts.

The government also interfered in the internal affairs of NGOs. The Union of Belarusian Poles held a congress March 12–13 to elect new leaders. Credible sources stated the BKGB and police stopped Union of Belarusian Poles members’ cars to prevent them from attending the congress, warned other members to stay away, and pressured others to change their vote in an unsuccessful attempt to secure the reelection of progovernment leaders. On May 12, the Ministry of Justice declared the congress to have been undemocratic and invalid. In late May the government-run Grodno regional printing plant refused to print the Union of Belarusian Poles’ newspaper, *Glos znad Niemna*, and began printing progovernment versions of the paper without the knowledge of the group’s leadership. On July 6, police arrested five *Glos znad Niemna* journalists protesting the government takeover of their newspaper. The five were fined between \$230 (510 thousand rubles) and \$2,400 (5,125,000 rubles) for the protest. Police evicted the union’s leaders from their headquarters on July 27 and gave the building to regime supporters. The Ministry of Justice forced a new congress on August 27, and authorities again intervened to prevent the attendance of many Union of Belarusian Poles members. Throughout this process authorities arrested, jailed, or fined numerous group members and Polish journalists (see section 2.a.) and attacked the organization in the government media. Police brought some leaders in for questioning more than 40 times.

c. Freedom of Religion.—The law provides for freedom of religion; however, the government restricted this right in practice. While the constitution affirms the equality of religions and denominations before the law, it also contains restrictive language that stipulates that cooperation between the state and religious organizations “is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people.”

The law concerning religion contains a number of restrictive elements that the government used to hinder or prevent activities of religious groups other than the Belarusian Orthodox Church. In particular, the law restricts the ability of religious organizations to provide religious education, requires all religious groups to receive governmental approval in order to distribute literature, and prohibits foreigners from leading religious organizations. A concordat and other arrangements with the government provide the Belarusian Orthodox Church, an exarchate of the Russian Orthodox Church, privileges not enjoyed by other religious groups. In March Vladimir Makarov, chief of the defense ministry’s information directorate, called on Belarusian Orthodox clergy to fight the spread of “destructive sects” and to spread Orthodoxy. On May 20, a BKGB spokesman asserted that the country’s citizens were less interested in unconventional religions after the government took unspec-

ified "action" to prevent the spread of "destructive cults." He specifically warned against the "Moon Church" and the Church of Scientology, which, he said, were spreading "propaganda" in the country.

In early December, police in Vitebsk raided the homes of local Muslims on the pretext of looking for suspects connected to two September bombings, even though authorities had previously arrested two brothers, who had no known connection to Islam, for the bombings. Police detained several of the Muslims for questioning and seized religious literature.

The law requires that religious organizations be registered by the Committee of Religious and Nationalities Affairs of the Council of Ministers (CRNA) or by local and regional governments. During the year the CRNA continued to refuse to register some religious groups considered to be nontraditional. Religious groups that could not register frequently were forced to meet illegally or in the homes of individual members. According to the CRNA, 26 religious denominations were officially registered as of September.

Under a 2002 law, all religious organizations were required to reregister with the CRNA by November 2004. The law establishes specific requirements for membership size and years of activity for religious groups. According to the CRNA, 2,676 of the 2,780 religious communities previously registered did so by the deadline. Of the remaining 104 communities, many had dissolved due to lack of membership. However, the CRNA denied reregistration to several mainly Protestant groups, such as the Light of the World, the New Life Church, and the Belarusian Evangelical Church.

The CRNA refused to register the Belarusian Autocephalous Orthodox Church (BAOC) without the approval of local Belarusian Orthodox Church bishops, which was not forthcoming. Because the BAOC was not registered, authorities confiscated a building they renovated in Semkov Gorodok.

The Hare Krishnas were denied registration in 2004. They appealed to the Supreme Court, but have not received an answer, as well as to the UN Human Rights Committee. After the Krishnas were not registered, a number of their lease agreements were terminated by landlords. The Minsk community has been unable to find a new legal address.

The CRNA also denied reregistration to the Protestant group Light of the World in 2004. The lease on group's church was terminated on October 31, and authorities prevented them from leasing new premises.

The law allows persons to gather to pray in private homes; however, it requires that individuals obtain permission from local authorities to hold rituals, rites, or ceremonies in homes. Police interfered with religious meetings in residences several times during the year, sometimes resulting in fines for participants.

The government will only register Orthodox communities not based in Moscow with the approval of the local Moscow Patriarchate bishop. In June authorities warned the priest of the unregistered Russian Orthodox Church Abroad (ROCA), Father Leonid Plyats, that he would receive jail time or a massive fine if he conducted "illegal religious activities," including holding small gatherings of worship in private homes. On November 9, authorities denied registration to a different ROCA parish in Ruzhany. In this case, the bishop told ROCA members to worship at the Moscow Patriarchate Church instead. The ROCA parish refused, and its members have received four fines, totaling over two thousand dollars (four million rubles) for worshipping in private homes. ROCA has four parishes in the country, none of which were registered.

The law does not provide for the return of property seized during the Soviet period or the Nazi occupation and restricts the return of property that is being used for cultural or educational purposes. There were no reports that the government returned property to religious groups during the year. A Catholic parish asked the government to return a Roman Catholic church, which the government was using to house state scientific archives. On October 4, the Council of Ministers replied the government would not return the building to the church until it was provided with a similar size building for the archives.

The government continued to limit the ability of a number of groups to own or use property for religious purposes. As of October the CRNA refused to reregister the New Life Church because it tried to use a barn that it purchased three years previously as its legal residence. Authorities refused to allow the church to renovate the building, change the registration status of the cow barn, or permit church members to meet in the building as-is. Authorities fined the leaders of the church more than \$5,500 (12.5 million rubles) during the year for conducting services in the barn. On November 17, authorities issued a registration document reclassifying the barn as a religious building. However, on November 30, authorities claimed this registra-

tion was issued illegally, annulled the registration, and fired the two officials who issued it.

The government interprets the law as permitting residential property to be used for religious services only after it has been converted from residential use. This interpretation effectively requires all religious organizations to reregister their properties as religious properties. However, authorities continued to reject requests for property registration from many Protestant churches, as well as from other non-traditional faiths. On August 22 and September 21, the government closed the Belarusian Evangelical Reformed Church and the Belarusian Evangelist Church, respectively, for failure to secure nonresidential legal addresses for worship.

According to the Full Gospel Evangelical Christian Church, authorities continued to deny it permission to construct a building for religious purposes in Minsk.

Meeting hall officials cancelled or refused to extend agreements with religious groups to use their facilities, citing a government decree specifying measures to ensure public order and safety during public gatherings. Over the summer the Church of Jesus Christ Word of Faith was denied permission to rent a hall in Minsk for a large meeting.

On November 9, CRNA chairman Stanislav Buko announced that authorities would not register “destructive sects.” He claimed no such sects were operating in Belarus but noted authorities closely monitor the activities of people bearing the characteristics of such sects. University textbooks reportedly classified Baptists and Adventists as members of sects.

The law provides that citizens may speak freely about their religious beliefs; however, authorities continued their efforts to prevent, interfere with, or punish persons who proselytized for any religious group other than the Belarusian Orthodox Church. The government also fined and detained members of unregistered religious groups that engaged in illegal religious activity. Baptists, Pentecostals, and other Protestants were warned or fined for illegally conducting and hosting religious services. According to the CRNA, convictions for such offenses were based on charges of either disturbing public order or illegally gathering without prior permission. On November 25, a court issued a warning to the pastor of the Reformed Baptist Church Christ’s Covenant for illegally conducting services in a private home. The church received three warnings for lack of a legal address.

The government did not permit foreign missionaries to engage in religious activities outside of the institutions that invited them. The law requires one-year, multiple-entry “spiritual activities” visas for foreign missionaries. Even religious groups with a long history in the country, particularly Protestants, continued to have difficulties obtaining visas. In mid-December authorities did not renew visas for two Catholic priests from Poland, who had worked in the country for more than 10 years, and ordered them to leave by the end of the year.

Societal Abuses and Discrimination.—Between 50 thousand and 70 thousand persons identified themselves as Jewish. However, the overwhelming majority of the Jewish population, 98 percent, was not actively religious. Of those who were, most were believed to be adherents of either Reform or Conservative Judaism.

There were isolated instances of anti-Semitic vandalism during the year. In a three-week period in April, vandals desecrated 20 tombstones at a Jewish cemetery in Brest. On August 16, vandals reportedly defaced a Holocaust memorial in Minsk for the third time, although authorities denied that the incident occurred. While the government investigated such incidents and often assisted in restoring memorials, police made no arrests in connection with the vandalism of these sites. On December 4, vandals painted swastikas and other Nazi symbols on memorials at the Kurapaty site, including on markers commemorating Jewish and Tartar victims. Police made no arrests but subsequently provided a full-time police presence at the site.

The state distribution agency Belsoyuzpechat continued to distribute the anti-Semitic and xenophobic newspaper *Russki Vestnik*, despite a 2003 order by the prosecutor general and the information ministry that distribution of the newspaper should be terminated. Sales of such literature continued throughout the year in stores, government-owned buildings, and at events affiliated with the BOC. Anti-Semitic and Russian ultranationalist literature continued to be sold and given away at Pravoslavnyaya Kniga (Orthodox Bookstore), a store operated by Orthodox Initiative that sells Orthodox literature and religious paraphernalia. The CRNA claimed it was difficult to prevent the distribution of Russian-produced anti-Semitic literature.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement; however, the government at times restricted its citizens' right to choose their place of residence and their foreign travel. Internal passports served as primary identity documents and were required for permanent housing, receiving work, and hotel registration.

Credible reports indicated that police continued to harass individuals because they lived at a location other than the legal place of residence indicated in their internal passport.

The law provides for freedom of movement in and out of the country; however, the government at times restricted this right. Government regulations specify that citizens who wish to travel abroad must obtain an exit stamp valid for one to five years. The government could invalidate stamps that had been issued. Authorities prohibited certain opposition activists who had not paid fines for participating in unlawful public demonstrations or who were not on the side supported by the government in the Union of Belarusian Poles (UBP) dispute (see section 2.b.) from travelling abroad. At times the government harassed civil society members who had travelled abroad.

In November authorities prohibited UBP members Andrzej Pisalnik, Jozef Porzecki, Wieslaw Kiewlak, and Andrzej Poczobut from travelling abroad. Despite this prohibition, Poczobut travelled to Poland in November. On his return border guards seized his passport; it was returned to him December 12 with a notation saying he was prohibited from international travel.

On November 23, border guards told UBP activists Inessa Todryk, Anzelika Arechwa, and Andrzej Lisowski they could not leave the country. On November 3 and 4, border guards prevented UBP activist Anzhelika Orekhova from leaving the country. Other UBP activists were detained for hours at the border, but eventually allowed to leave.

On October 28, the Minsk City council of lawyers denied human rights lawyer Vera Stremkovskaya permission to travel to an OSCE conference in Tbilisi, threatening revocation of her license. The same day the council passed a resolution barring all lawyers from foreign travel for one month.

In several cases opposition activists wishing to travel abroad were detained at the border for lengthy searches while leaving or returning to the country. On October 27, customs officials held opposition party leader Aleksandr Kozulin at the airport for several hours as they confiscated material from him, causing him to miss his flight. The same day customs officials seized written material from opposition party leader Anatoly Lebedko as he returned to Minsk from a meeting with members of the European Parliament.

On August 17, the BKGB questioned independent journalist Aleksandr Rautenko about the purpose of his travel after he returned from Prague.

During the year the government imposed new restrictions on travel abroad. A March 9 presidential decree, ostensibly intended to counter trafficking in persons, requires any student who wishes to study abroad to obtain permission from the minister of education. When signing the decree, Lukashenko publicly stated his opposition to citizens' studying abroad. The government used this requirement to block the participation of 59 high school students in one educational exchange program abroad. The decree also requires the interior ministry to track all citizens working abroad and travel agencies to report citizens who did not return from abroad at their scheduled time to the interior ministry. The government denied reregistration to most travel agencies that arranged work abroad. A June 13 presidential decree placed new controls on the foreign travel of government officials. Various presidential statements during the year and a presidential decree issued on October 4 served to reduce the number of children from Chernobyl-contaminated areas who were able to travel abroad for treatment, particularly those who wanted to travel during the school year. For example, several hundred children were denied permission to go to Germany and Italy in February. The decree also requires that students or their chaperones who did not return to the country on time be reported to the presidential administration.

The law requires travelers to areas within 15 miles (25 kilometers) of the border to obtain an entrance pass. Police arrested several prodemocracy activists for violating this law after holding meetings in towns near the border (see section 3).

The law does not provide for exile abroad, and there were no reports that the government used it in practice.

The law provides for internal exile, and the government used it. Detention in internal exile is one possible penalty for defaming the president. During the year the courts sentenced 3 opposition leaders to 18 to 24 months of internal exile (see section 1.e.).

The law provides for the right to emigrate, and the authorities generally respected this right; however, there were restrictions for individuals with access to sensitive government information or citizens involved in criminal investigations. Persons who have been refused permission to emigrate may appeal to the courts.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. Under the law, all persons who applied for or received asylum are protected against *refoulement*, the return of persons to a country where they feared persecution. In contrast with the previous year, there were no reports that the government detained individuals transiting the country from Russia and deported them back to Russia. As of the end of October, the government had granted refugee status to 548 Afghanis and 123 Georgians.

The law does not allow for temporary protection of persons who may not qualify as refugees; however, the government granted humanitarian protection to approximately 40 persons who may not have qualified for refugee status but who had humanitarian grounds for remaining in the country.

The authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

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

The law provides the right for citizens to change their government peacefully; however, the government effectively denied citizens this right. President Lukashenko dominated all branches of government. Since his election in 1994 to a five-year term as the country's first president, Lukashenko has consolidated power steadily in the executive branch, using referenda in 1996 and 2004 to amend the constitution to broaden his powers and extend his term in office.

The constitution provides for parliament to meet twice a year for a total of no more than 170 days. Presidential decrees issued when parliament is out of session have the force of law, except in a few cases specified in the constitution. In practice the president also issued decrees when parliament was in session. The constitution allows the president to issue decrees with the force of law in specific, urgent circumstances, a provision President Lukashenko has interpreted broadly.

Elections and Political Participation.—In October 2004 the country held seriously flawed parliamentary elections and a referendum to change the constitution and eliminate term limits for the president, thereby allowing Lukashenko to run for a third term in 2006. The government used administrative resources to support the referendum and government-backed candidates, who won in every district. An OSCE observation mission reported that the election fell significantly short of international standards for democratic elections, citing the active exclusion of opposition candidates, detention of opposition campaign workers and domestic observers, restrictive campaigning rules, unbalanced media coverage, flawed vote counting, and a lack of transparency in vote tallying. Other electoral irregularities included the firing and non-extension of employment contracts of opposition candidates and individuals who worked on their campaigns, and widespread, credible reports of coercion of individuals to vote early, when oversight was more lax.

On March 20, a by-election was held in Grodno to fill the last vacant seat in parliament. The government's arbitrary expulsion of opposition candidates, seizure of opposition campaign materials, and use of state resources to support the government-backed candidate marred this vote. An estimated 25 percent of voters voted up to 5 days early. Some of these, mostly state employees, reported they were ordered to do so by their employers. No independent observer was allowed to watch the vote count, and police escorted three observers out of polling stations.

During the year the government made it more difficult for political parties to operate. In June parliament passed a restrictive law governing political parties that made it much easier for the government to suspend or close parties. A party could be suspended for six months for any legal violation. The government could also close any political party after it receives two warnings for any violations; under the old law the warnings had to be for the same violation. Political parties frequently received warnings for petty offenses. In January the Ministry of Justice formally warned the Belarusian Popular Front because its official stamp read, "Republic of Belarus, Minsk." Even though the Ministry of Justice had approved this stamp, it issued the warning, maintaining the stamp should only read, "Minsk." The law also requires that each party have registered branches in four of the country's seven regions.

At the time the law passed, the Ministry of Justice was in the process of closing an estimated 80 percent of the local party offices in the country on a variety of pre-

texts, rendering the parties inactive in a majority of regions (see section 2.b.). In December, after deregistering these local offices, the Ministry of Justice warned a number of parties for not having registered branches in enough regions. Additionally, the law prohibits parties from receiving support from abroad. On September 19, the Minister of Justice ruled that any political bloc or coalition must register with the government; the ruling was most likely aimed at the most organized opposition grouping in the country, the 10 Plus coalition.

During the summer authorities disrupted a number of the 121 local political conventions organized by the 10+ opposition coalition. Police were present at almost every meeting, in many cases videotaping participants or demanding to see their identification. In Pinsk, Elsk, and Sianno police arrested the conventions' organizers before the events could begin. Police raided the meeting in Kalinkovichy on the pretext there was a drug lab in the building, while Svetlogorsk police detained organizers for several hours to check their documents. In three cases local fire departments ordered the evacuation of meeting halls, and in one case a hazardous materials team ended the convention, claiming there was a mercury spill. On July 9, opposition parties planned to hold a meeting at the House of Culture in Domachevo, but the site was locked when they arrived. Such events happened in a number of towns. In addition, 11 opposition members were arrested and charged with "violating passport rules in a border zone" for traveling to Domachevo. Others were arrested for the same offense in Ashmany. The government considers all territory within 15 miles (25 kilometers) of the border to be a restricted zone.

The government began issuing fines against the political opposition that were generally much higher than in previous years, often exceeding the average annual salary of \$2,450 (5.2 million rubles). The government also began confiscating the private property of opposition activists who could not pay these fines. UCP deputy Marina Bogdanovich was fined \$2,200 (4.7 million rubles) for participation in a March 1 strike. On May 27, court officials entered her home and confiscated property, including books, an iron, a cell phone, and her daughter's stereo and computer, as payment towards the fine. On March 11, court officials seized property, including an electric tea kettle, a washing machine, a lamp, a vacuum cleaner, and a painting from the editor of *Pressbol* newspaper towards payment of a fine for libel (see section 2). On February 14, a Grodno judge fined former opposition member of parliament Valery Frolov \$3,300 (7 million rubles) for participating in an unsanctioned protest.

Numerous and credible reports indicated many people were fired from their jobs because of their political activities or party membership (see section 6.a.). In some cities activists claimed that anyone who ran as an independent parliamentary candidate in 2004 was fired during the year. There were other credible reports that authorities threatened to remove children from school or university because of the parents' activities. In November the head of the ideology department of Baranavichy, Mr. Zhidko, forced Viktor Syritsa, a lecturer at the Baranavichy Economic and Law College, to resign because he organized a meeting between his students and an opposition politician. On August 23, local officials in Varkhi refused to renew the employment contract of school principal Leonid Gorovoi, a member the Belarusian Social Democratic Party Hramada. On October 14, a district court in Gorodok rejected Gorovoi's appeal for the return of his job. In defending their decision, local officials reportedly blamed the "flawed schedule" Gorovoi created for the high incidence of thyroid cancer in the region. In February customs authorities did not renew the work contract of Vasil Vauraniuk, a member of the Belarusian Social Democratic Party Narodnaya Hramada, who served as an election observer in the October 2004 elections.

Party members were often detained, fined, or jailed after conducting meetings. For example, authorities in Baranovichi detained UCP leaders Anatoly Lebedko and Sergey Kalyakin on July 16 for holding an unsanctioned meeting, even though it was held in a registered party office. On July 18, authorities fined two UCP members \$240 (516 thousand rubles) each for organizing a meeting in a private residence. On August 30, authorities fined Belarusian Party of Communists activist Anatoliy Novik \$475 (1 million rubles) for holding an unsanctioned meeting, even though the meeting was at a registered party office.

Opposition members routinely faced other forms of harassment throughout the year. Police frequently stopped and briefly detained opposition presidential candidate Aleksandr Milinkevich and his campaign team when they traveled around the country. On November 24, authorities in Bobruisk turned off the electricity and disconnected the telephones to an apartment where Milinkevich was trying to hold a press conference. Authorities also prevented some local residents from meeting with him.

There were 32 women in the 110-member lower house of parliament and 18 women in the 56-member upper house of parliament. However, no women chaired any of parliament's 14 committees. There were 3 women in the 25-member Council of Ministers, and the head of the Central Election Commission was a woman. With the exception of the judiciary, men held virtually all leadership positions.

No high-level members of government or parliament openly identified themselves as members of a minority, although several are Polish or members of other ethnic groups.

Government Corruption and Transparency.—Corruption in the executive branch of government was a significant problem. Authorities prosecuted a significant number of individuals for corruption—over four thousand in the first 11 months of the year—indicating growing efforts to combat corruption. However, corruption remained a problem in the highest levels of government, with a poor delineation between the president's personal and official funds, and a heavy reliance on off-budget revenues. The government itself profited from official corruption, for example through high levels of goods confiscated at the border being sold in state shops and the increasing renationalization of the economy. According to Transparency International, the problem appeared to be endemic and worsening. In 2004 authorities arrested and convicted the head of the property management division of the presidential administration, Galina Zhuravkova, for embezzling over \$3 million. Despite being sentenced to four years in prison, she was never taken into custody.

The law and government policies severely restrict public access to government information, and authorities moved to restrict it further during the year. In practice citizens were given good access to certain categories of information, and access to other information was extremely limited. A 2004 presidential edict broadened significantly the amount of government material considered a state secret.

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

Several domestic human rights groups were active in the country; however, authorities hindered their efforts to investigate alleged human rights violations. Authorities monitored NGO correspondence and telephone conversations and harassed NGOs by bureaucratic means such as frequent tax and other inspections and deregistration (see sections 1.f. and 2.b.). The government generally ignored reports issued by human rights NGOs and did not meet with these groups during the year. Official government media did not report on human rights NGOs and their actions; independent media that reported on human rights' issues were subjected to closure and harassment (see section 2.a.).

The government has closed most major registered human rights NGOs and NGO resource centers, actions viewed by independent observers as politically motivated. On July 19, the president signed a restrictive new law that allows authorities to close an NGO after just one warning from the government of a violation of the law. The violations most frequently cited were discrepancies between the stamp that had been presented when the organization registered and the one used on a subsequent occasion, inaccuracies in an organization's letterhead, the use of a mailing address at a residence rather than the registered office, alleged forgeries among the signatures required to obtain legal registration, and failure to follow the organization's own by-laws. The law allows authorities to close an NGO for illegally accepting foreign assistance and allows the Ministry of Justice to participate in any NGO activity, review any NGO document, and request any information from an NGO. It also requires NGOs to present a detailed report annually to the Ministry of Justice on their activities, office locations, names of officers, and total number of members.

On July 18, the Nadezhda Center in Vilejka region cancelled reservations at the last minute for a summer human rights camp hosted by the Foundation for Legal Technologies NGO on the pretext that government inspectors had found unsanitary conditions at the camp. On February 21, the Supreme Court closed Adradzhenne Aychyny, an NGO dedicated to women's economic and political rights, for allegedly not responding to Ministry of Justice requests for information in a timely manner. The closing occurred immediately after the NGO held a seminar on gender issues with Vyasna, a human rights NGO that the government had previously closed.

The law prohibits persons from acting on behalf of an unregistered NGO, and the government prosecuted several persons for this offense during the year. On September 28, Grodno judge Natalya Kozel fined Jan Roman \$600 (1.3 million rubles) for passing out bulletins of a trade union that was not registered in that region. On October 11, the Minsk prosecutor's office issued a warning to the Romani NGO *Zhoda* for writing an appeal on behalf of the Union of Belarusian Poles, whose leadership the government did not recognize. On December 2, police searched the home of Telman Masliukov, claiming he had illegal drugs and weapons. Police seized ma-

terial from the unregistered Zubr youth group and charged Masliukov with acting on behalf of an unregistered organization.

A presidential decree provides that international assistance may only be granted to, or accepted by, an organization that is registered with the Ministry of Economy; however, government regulations prohibit international assistance for human rights organizations regardless of their registration status. Another presidential decree prohibits foreign support for a broad range of activities, including the preparation, administration, and organization of elections and referenda; the organization of meetings, rallies, demonstrations, pickets, and strikes; the publication and distribution of promotional materials; and the organization of seminars and other types of promotional activities involving the population. The law also prohibits unregistered organizations from providing assistance to other NGOs.

The government sometimes refused groups permission to accept foreign support even if they complied with government reporting requirements. For example, after two months of applying, the government refused the Belarus Helsinki Committee permission to accept one thousand dollars from the International Helsinki Federation.

Break-ins and questionable tax audits remained problems during the year. On June 17, Minsk's Moskovskiy District tax office again attempted unsuccessfully to collect back taxes and fines on the Belarus Helsinki Committee, although the committee won several court cases against these taxes in 2004. In the same frequently recurring case, on December 20, the Supreme Economic Court overturned its own earlier ruling and ordered the Belarus Helsinki Committee to pay \$72 thousand (155 million rubles) in back taxes and fines on a grant it received from the European Union (EU). In May Rada, the Belarusian Association of NGOs for Youth and Children, was ordered to pay fines and back taxes on EU and UN grants. On February 24, four Ministry of Justice officials broke into and searched the office of the International Institute for Socio-Economic and Political Studies outside Minsk.

Authorities were increasingly reluctant to discuss human rights with international NGOs, whose members often had difficulty traveling to and were occasionally expelled from the country.

The government rejected an April 14 UNCHR resolution that urged it to conduct a transparent investigation into the disappearances of prominent opposition activists and to suspend or dismiss officials suspected of involvement in the disappearances (see section 1.b.). The resolution also stressed the need for the government to bring election standards into line with international norms, release persons imprisoned for political reasons, assure the freedoms of media, assembly and association, and comply with the various UNCHR mechanisms. The UNCHR extended the mandate of its special rapporteur on the human rights situation in the country; however, the government again refused to grant the rapporteur a visa to enter the country to conduct an assessment. On September 19, Deputy Foreign Minister Viktor Gaisenok announced that the government would not cooperate with the rapporteur.

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

The constitution provides that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests. The constitution and other laws also specifically prohibit discrimination based on factors such as race and language, or gender in certain instances. However, the government did not always protect these rights in practice. Violence against women and children, trafficking of persons, and discrimination against persons with disabilities, Roma, and homosexuals were problems.

Women.—Domestic violence, including spousal abuse against women, was a significant problem. In January 2004 the country's delegation to the Commission on the Elimination of Discrimination Against Women stated that 30 percent of women reported suffering from domestic violence. Spousal abuse is punishable under the law, and women's groups indicated that the police generally enforced laws against domestic violence and that the courts generally imposed appropriate sentences. In 2004 some 350 criminal cases were opened for domestic violence. Nevertheless, women were reluctant to report domestic violence due to fear of reprisal and social stigma. Women's rights activists reported they were unable to get domestic violence legislation introduced into parliament. NGOs operated crisis shelters, primarily in Minsk.

Rape was a problem. A law against rape exists; however, most women did not report rape due to shame or fear that the police would blame the victim. There is no explicit law against spousal rape, and there have been no prosecutions. Over 20 percent of women reported experiencing sexual abuse at least once, according to data released by the Ministry of Labor and Social Security in 2004. In the first 10

months of the year, the Ministry of Interior reported 392 rapes, a 17 percent increase from the year before. Socially, spousal rape was not viewed as a crime.

The law prohibits prostitution, but the penalties usually involved only a warning or a small fine. Although authorities and local human rights observers reported that prostitution was not a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in regions outside the main cities. Prostitution rings operated in government-owned hotels.

Trafficking in women was a serious problem (see section 5, Trafficking).

Sexual harassment was reportedly widespread, but no specific laws other than those against physical assault deal with the problem.

The law provides for equal treatment for women with regard to property ownership and inheritance, family law, and in the judicial system, and this was generally respected in practice. The law also requires equal wages for equal work; however, this provision was not always enforced. Women had significantly fewer opportunities for advancement to the upper ranks of management or government and a disproportionate number of the unemployed were women. At year's end women held only four high-level government positions and four CEO positions in major companies. Women reported that managers frequently considered whether a woman had children when examining job candidates. The Ministry of Labor and Social Security is responsible for ensuring gender equality; however, it cannot issue binding instructions to any other government agency.

Children.—The authorities were committed to children's welfare and health, although the quality of education and medical care was lower outside of major cities.

Children begin school at the age of 6 and are required to complete 9 years of education. The government made 11 years of education available at no cost, and most children completed compulsory schooling. In many cases the government paid for university education.

Children were entitled to free health care. While allowing thousands of children living in Chernobyl-affected areas to travel abroad for rehabilitation, the government introduced new regulations that blocked certain groups of children from traveling during the school year (see section 2.d.). There were no differences in the health treatment available to girls and boys.

Child abuse was a limited problem. The Ministry of Labor reported that 86 percent of the country's 32 thousand orphans had been abandoned by their parents; this statistic appeared to include children of alcoholic parents removed from the home by the government.

Child marriage was generally not a problem. However, within the Romani community, girls as young as 14 and boys as young as 16 could marry with parental consent.

Trafficking of children was a problem (see section 5, Trafficking).

The law allows military units to adopt and train orphans between the ages of 14 and 16. While these children are not enlisted in the military, they must comply with military rules, wear a uniform, and obey orders. They are required to join the unit upon reaching the draft age of 18.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked from and within the country. The government continued to make efforts to combat trafficking, including the adoption of decrees to protect victims' rights and increase punishment for traffickers; however, corruption among police officers and border guards continued to inhibit the government's antitrafficking efforts.

The law criminalizes trafficking in persons for sexual or other kinds of exploitation. The penalty for trafficking is 5 to 7 years' imprisonment; severe forms of trafficking are punishable by up to 15 years' imprisonment. On March 9, a presidential decree increased the punishment for trafficking. Although the possible penalties remain the same, amendments to the criminal code made after this decree ensure that those convicted of trafficking receive longer sentences than they would have prior to the decree. The decree also amended the law to provide that trafficking victims are not held criminally responsible for illegal acts committed while a victim and that the government may confiscate the property of convicted traffickers.

Government efforts to combat trafficking improved. In the first half of the year authorities convicted 84 persons for trafficking, compared to 67 in the same period in 2004. On March 3, a Minsk district court sentenced the head of a sex trade ring to 15 years in prison for trafficking 168 persons to foreign countries.

The government's antitrafficking efforts are coordinated by the interior ministry's department on combating trafficking in human beings. Many observers concluded

that the government needed to clarify the role and power of the department in order for it to be effective.

Attention to trafficking at the border increased, but segments remained largely uncontrolled. An EU program provided training and equipment to border guards; however, an open border exists with Russia. The Ministry of Labor continued to monitor and license activities of employment agencies offering labor contracts in foreign countries. Under a March presidential decree, all agencies that facilitate travel, work, study, and marriage abroad were forced to reregister with the government and provide full information to the government about foreign employment contracts, if applicable (see section 2.d.). Out of 716 travel agencies, 198 were not reregistered. Most agencies dealing with work abroad, as well as most modeling agencies and marriage brokers, were not reregistered.

Authorities cooperated with counterparts in Germany, the United Kingdom, Israel, the Netherlands, France, Spain, Lithuania, Austria, Poland, Italy, Turkey, and other countries on trafficking cases.

NGO sources estimated that 10 thousand citizens became victims of trafficking annually, primarily for sexual exploitation in other countries. The country was both a country of origin and transit for women and girls trafficked to the EU (particularly Germany, Poland, the Czech Republic, Lithuania, and Cyprus), the Middle East (particularly Israel), Turkey, Russia, Ukraine, and Japan. The country's open border with Russia was a particular problem as it allowed easy trafficking of women. Women under the age of 30 and girls were at particular risk of being trafficked due to their ignorance of the danger and their lack of economic opportunities, although women over 30 increasingly became trafficking victims during the year.

Traffickers used force, fraud, and coercion to traffic persons, mostly from economically depressed areas, for sexual exploitation or for physical or menial labor. Traffickers used offers of foreign employment or marriage and travel agencies to recruit victims. More than half of the women trafficked were promised jobs as dancers or entertainers without any mention of prostitution or sex work. Traffickers often withheld victims' documents and used physical and emotional abuse to control them.

Employment agencies, particularly travel and modeling agencies, and persons with connections overseas were primarily responsible for trafficking. Some traffickers reportedly had links to organized crime and drug trafficking.

Corrupt officials facilitated trafficking by accepting bribes and turning a blind eye to trafficking. On March 3, former culture ministry official A. Semenov was sentenced to 8 years in prison for using his position to traffick 20 women to Italy.

Women seldom reported trafficking crimes to police due to the social stigma attached to trafficking, aversion to dealing with authorities, insufficient protection of victims and witnesses, and a shortage of services for victims. Some victims were deported back to the country and did not receive special status or assistance as trafficking victims. The International Organization for Migration (IOM) assisted 455 victims as of December 1, compared with 251 in 2004. The IOM attributed the increased number to public awareness of the problem of trafficking and improved law enforcement assistance to trafficking victims.

On August 8, the government adopted a decree that defines the status of trafficking victims and mandates measures to provide protection, medical care, and social rehabilitation to victims. The decree makes traffickers responsible for expenses incurred by the government, helping victims and permitting agencies that assisted victims to gain reimbursement through the courts.

On January 20, a state television network aired an antitrafficking film during prime time. There was also an increase in the number of antitrafficking billboards and television and radio public announcements through the year.

The IOM, the UN Development Program (UNDP), and La Strada/Young Women's Christian Association (YWCA) conducted national awareness campaigns and provided training to NGOs in regional towns. La Strada/YWCA and the IOM continued to open and operate hotlines. On August 23, the IOM and other official foreign donors began a two-year program to combat trafficking through the economic empowerment of women. The government did not conduct any trafficking awareness programs during the year, but increased reporting on trafficking in the government-controlled media.

Persons with Disabilities.—The law does not specifically prohibit discrimination against persons with disabilities. Discrimination in the provision of employment, education, access to health care, and other government services was a problem, although the government made improvements during the year.

The law mandates that transport, residences, and businesses be accessible to persons with disabilities; however, facilities, including public transport and government office buildings, were usually not accessible. The Republican Association of Disabled Wheelchair Users (RADWU) reported that the government's 2001 program to make

public buildings accessible to persons with disabilities over a five year period had few results. For example, ramps were installed on the exteriors of some buildings, but the interiors remained inaccessible. RADWU estimated that over 75 percent of persons with disabilities were unable to leave their homes without assistance. Many sidewalks and stores had no ramps and many buildings had only stairs or small elevators.

Central authorities provided minimal and mainly ineffectual benefits for persons with disabilities. For example, while persons with disabilities may receive a 50 percent discount on rent and utilities, it could only be claimed if they lived alone. Since few homes were accessible to persons with disabilities and most lived with friends or family who helped provide daily mobility, very few could claim benefits. Public transportation was free, but neither the subway nor the bus system were wheelchair accessible.

The government prohibited employers from requiring persons with disabilities to work more than seven hours a day. However, this restriction discouraged companies from hiring persons with disabilities. The government supported only state-run rehabilitation facilities that were often not as well-equipped or responsive to patient needs as NGO facilities.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Unlike in previous years, there were no reports that youth in ultranationalist skinhead groups such as the Russian National Union and the National Bolshevik Party harassed foreigners and citizens promoting Belarusian culture.

Events and stores associated with the Belarusian Orthodox Church sold anti-Semitic literature (see section 2.c.).

In March the government interfered with the election of the new leader of the Union of Belarusian Poles (see section 2.b.).

There was significant official and societal discrimination against the country's approximately 65 thousand Roma. Police harassed Romani women selling produce or telling fortunes in markets, while government media and officials portrayed Roma negatively. In October and November, state television channel ONT aired a documentary, "*Gypsies Go to Jail*," that portrayed all Roma as criminals who sold drugs from childhood. On December 21, the CRNA, responding to complaints by Romani groups, asked the prosecutor general's Office to examine whether this program dishonored the Roma.

The Romani community was characterized by high unemployment and a low level of education; in November authorities estimated the unemployment rate at 93 percent. Romani children spoke mainly Romani and Belarusian and struggled in the school system, where the primary language of instruction was Russian. Romani students reported that teachers and fellow students often considered them lazy or mentally incompetent due to language-related academic difficulties. The Romani Lawyer's Group continued again during the year to petition the government to permit the establishment of a public Romani school in Minsk, arguing that there were schools for Jews, Lithuanians, and Poles; authorities had not responded by year's end.

Roma were often denied access to higher education in state-run universities.

The Russian and Belarusian languages have equal legal status; however, in practice Russian was often the only language used in government activities and on government forms. The government's record in providing certain services in the Belarusian language improved slightly during the year. On occasion authorities conducted official activities or published government documents in Belarusian, although they continued to limit the availability of early childhood education in Belarusian. Schools taught several subjects, such as national history and geography, in Belarusian, but increasingly taught most subjects in Russian.

In September Belarusian State University officials required student group leaders to report students who identified themselves as ethnic Lithuanians or Poles, claiming the information was needed to determine the percentage of international students at the university.

Other Societal Abuses and Discrimination.—Discrimination against homosexuals was a problem. Homophobia was widespread, and instances of harassment occurred in all spheres of society.

The government-controlled media tried to smear the opposition by associating it with homosexuality. The media broadcast footage of a contrived demonstration by a small group of "sexual minorities" at the October 2 opposition congress along with the comments of bystanders that "gays are evil." Program announcers added com-

ments to the effect that homosexuality goes hand-in-hand with Western paths to development.

Societal discrimination against persons with HIV/AIDS was a problem. HIV-infected individuals were afraid to disclose their status for fear of prejudice. Even doctors often feared AIDS and lacked knowledge about the disease. The UNDP reported that very few medical personnel dealt with HIV/AIDS patients and HIV-infected women could give birth only at one department at one hospital. In prisons, HIV-infected inmates faced strong discrimination and were segregated to minimize the risk of injury or death at the hands of other prisoners.

Incitement to Acts of Discrimination.—On June 2, the defense ministry newspaper *Vo Slavu Rodiny* published an article and poem that denounced the election of the Union of Belarusian Poles' leadership as undemocratic and illegal, likening it to Hitler's fifth column and insinuating that it was aiding a foreign country in trying to overthrow the government. The poem encouraged the public to meet such efforts with violence, such as using clubs against "these" Poles.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except state security and military personnel, to form and join independent unions on a voluntary basis; however, the government did not respect these rights in practice. During the year the government continued efforts to suppress independent unions and bring all union activity under its effective control. Its measures to this end included conversion of all government employees to short-term contracts, nonextension of employment contracts for some members of independent unions, arrest of members of independent unions for distributing union literature, confiscation of union materials, denial to union members of access to work sites, excessive fines, and pressure on union members to join progovernment unions.

The government-controlled Federation of Trade Unions of Belarus (FTUB) was the largest union organization, claiming four million members; this number was likely inflated, since the country's total workforce was approximately four million. The Belarusian Congress of Democratic Trade Unions (BCDTU) was the largest independent union affiliation with four independent unions totaling 12 thousand members.

Unlike the previous year, the government did not close any independent unions; however, on August 9, the Minsk City economic court evicted the Belarusian Free Trade Union (BFTU) from its offices for alleged nonpayment of rent to the government-owned housing bureau of the Minsk Partizanskiy region. The BFTU denied the allegation. The eviction left the union without a legal residence and therefore vulnerable to being closed by the government.

On August 29, the Ministry of Justice ordered the independent Radio and Electronic Industry Workers' Union (REP) and BCDTU to provide information on their membership and organizational structure within 48 hours. Union leaders criticized the order, and REP leader Gennady Fedynich claimed that his union had been under inspection for seven months and that the ministry already had the information it required. The BCDTU had also gone through a government inspection a few months earlier.

On October 4, Grodno authorities, under orders from the Ministry of Justice, inspected the Belarusian Independent Trade Union (BNP) at the Grodno-Azot factory, checking documents, membership lists, and minutes of conferences and sessions of the BNP executive committee, as well as membership dues. The union's leader claimed he was not informed of the inspection in advance and expressed the view that authorities were carrying out instructions given by Lukashenko in a FTUB conference speech to "destroy" all independent trade unions. The government claimed it informed the union in advance of the inspection, and that no violations were found.

The Ministry of Justice closed the Belarusian Party of Labor in August 2004; the party was not re-established during the year.

The government restricted the ability of workers to organize independent unions. A presidential decree requires that unions enroll at least 10 percent of workers in an enterprise in order to form and register a local union and at least 500 members to form and register a national union. Independent trade union leaders reported that the requirement made union registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions were denied registration under the decree.

On November 4, the Ministry of Justice ordered the independent Free Trade Union of Metalworkers (FTUM) to reregister as a local organization after a ministry inspection found the union only had 217 members. FTUM leadership protested, claiming the union has 542 members and that the ministry had blocked 4 of the

union's 9 local branches from registering. The ministry also found the Democratic Union of Transport Workers to have too few members, and referred the case to the prosecutor general for further action.

On July 18, President Lukashenko signed a decree giving the progovernment FTUB the exclusive right to inspect any employer, government-owned or private, for compliance with labor regulations without regard to whether it actually employed FTUB members. The BCDTU considered that this decree discriminated against unions not affiliated with the FTUB. On October 20, the Ministry of Labor gave the FTUB the right to inspect any business for compliance with wage regulations, regardless of whether that firm employed FTUB members.

On September 20, at the FTUB convention, Lukashenko criticized independent trade unions and advised the FTUB to enlist the remaining independent trade union members into the FTUB. An October 26 presidential decree granted FTUB-affiliated unions free use of office space in state-owned buildings. This decree did not apply to independent trade unions.

Since 2004 the government has forced government employees and employees of state-owned businesses, who were a majority of the workforce, to work under a short-term contract system. There were credible reports that the government used this system to dismiss independent union members and opposition political activists. While contracts could be signed for periods up to five years, most major employers concluded contracts for six-month or one-year terms. On August 23, President Lukashenko signed a decree that set the minimum contract length at one year. Any contract for a shorter period must have the worker's written consent; contract terminations required a two-week notice. Independent unions welcomed the decree but considered the contract system to be "fundamentally" wrong and incompatible with international standards. Union sources reported that state companies began offering bonuses to workers who signed contracts; workers who signed contracts received salary increases of up to 35 percent.

Authorities took a number of actions to interfere with the organizing and operation of independent unions. During the year the government revived its ideology program at state enterprises, assigning new ideology directors to promote government policies and monitor workers' attitudes. Previously, tenured and relatively independent workers occupied such positions. One independent union leader claimed that the ideology director at his factory characterized the job as being to rid the factory of all nongovernment unions.

On August 15, the Minsk Automobile Plant (MAZ) transferred Vladimir Volkov, the chair of the MAZ REP, to a less qualified position with a decrease in pay, claiming his health kept him from fulfilling his duties. Sources indicated that Volkov's health did not affect his work, but gave the MAZ administration a reason to annul his contract and move him to another section of the factory. The new position prevented Volkov from speaking to other union members at the plant.

On September 28, a Grodno court fined Jan Roman, a journalist for the independent union newspaper *Solidarnost* and member of the REP, \$600 (1.3 million rubles) for acting on behalf of an unregistered organization. The action was based on allegations by the head of the guard unit at the Grodno Automobile Engine Plant that Roman had distributed leaflets containing foul language and biased information that disrupted the plant's working environment. In reaching its decision, the court ignored documents showing that REP was registered with the Ministry of Justice and ruled that the union was an unregistered organization because it did not have a local chapter or registration in Grodno. Roman was again arrested October 7 for passing out copies of an independent newspaper but released after an hour. On September 21—a week prior to Roman's conviction—unknown persons broke into and ransacked REP's rented Grodno offices, breaking computers, overturning furniture, and removing documents and electronic files. REP leaders blamed the break-in on government services. On September 13, unknown persons broke into the Minsk office of REP leader Gennady Fedynich and removed documents and electronic files.

Authorities harassed independent union leaders. On October 13, the prosecutor general's office summoned BCDTU leader Aleksandr Yaroshuk to question him on where he heard that President Lukashenko had ordered the FTUB to eliminate independent unions. In September the prosecutor general's office questioned REP leader Gennady Fedynich about material in a REP bulletin, the place the bulletin was printed, and arrangements for its distribution.

Authorities continued to threaten or fire employees at state-run enterprises who joined independent unions; workers often chose to avoid joining nongovernment unions in order to keep their jobs and provide for their families. For example, in Orsha, threats of job loss reportedly caused independent union membership to drop from 250 to 190 during the year. Union leaders and political activists were typically

unable to renew their contracts or were unsuccessful in finding new jobs in their profession. Oleg Dolbik, head of the dissolved Belarusian Union of Air Traffic Controllers, was fired as an air traffic controller in 2004 and has since had difficulty finding a job in his profession.

On July 29, Maria Bogdanovich, an opposition activist who was fired from the Gomel region history museum on May 25, won a lawsuit against the museum administration. The Gomel central court ordered the museum to pay Bogdanovich for her forced May 25–July 29 absence from work and to change the reason of her dismissal from “repeated failure to carry out her labor contract duties without valid reasons” to “dismissal by mutual consent.” Bogdanovich accused the museum administration of victimizing her for her political activities. Employers are not required to reinstate workers fired for political or union activity.

The government interfered with unions’ participation in regional and international labor organizations.

On February 2, BCDTU leader Aleksandr Yaroshuk reported that the government, citing the BCDTU’s “insufficient membership,” did not include the largest independent union in the country’s official delegation to the regional International Labor Organization (ILO) conference in Budapest; instead, the country’s unions were represented by Eduard Matulis, deputy chairman of the government-controlled FTUB.

In October 2004 an ILO commission of inquiry found that the government had interfered in union activity and made 12 recommendations to the government on increasing its respect for freedom of association. In June the ILO application of standards committee concluded that the government had not taken concrete measures to comply with the recommendations. The government refused permission for a special ILO commission of inquiry to visit the country in September due to “scheduling conflicts.” In November the ILO committee on freedom of association presented a report that concluded the government had failed to implement any of the 12 recommendations.

In 2003 the Ministry of the Economy instructed the ILO to stop all activities related to its technical assistance project for labor unions because the registration of the project had been rejected. The ministry cited the exclusion of the government-controlled FTUB from project activities as the main reason that registration was denied, even though local branch unions affiliated with the FTUB participated in project activities throughout the year.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively; however, government authorities and state-owned enterprises interfered in union activities and hindered the ability of workers to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements.

In October 2004 an ILO commission of inquiry concluded that several trade unions had been denied the right to bargain collectively because of the deregistration and nonregistration of unions. Unions reported that some enterprises and state agencies pressured workers to accept individual contracts in lieu of collective contracts and also altered the duration of the contracts from life to fixed terms.

While the FTUB has exclusive rights to inspect any workplace, independent unions were rarely able to engage in such activities. For example, the BFTU chairman, Gennady Bykov, was denied access to the Minsk Factory of Automatic Lines, despite having a union leader pass. According to the BFTU, the head of the personnel department of the plant refused to grant Bykov access until he provided information about his reporting and about the union conference at which he was elected chairman of the BFTU. After the requested information was submitted, Bykov was granted an access pass until the end of the year. Bykov linked the incident to the administration’s fear of BFTU’s activities and its increasing membership at the plant.

The law provides for the right to strike; however, tight government control over public demonstrations made it difficult for unions to strike or hold public rallies. During the year small vendors and workers organized several small strikes in various regions of the country. Nonetheless, authorities authorized only small demonstrations away from city centers. Management and local authorities frustrated workers’ attempts to organize strikes on many occasions by declaring that such activities would be illegal.

In April Brest Oblast judge Ruslana Syanko found Valantsin Lazarenkau, the chair of the Brest Oblast branch of the Free Trade Union, guilty of holding an unsanctioned meeting in a market during a market vendors’ demonstration on March 15. Lazarenkau claimed he did not organize the meeting but was invited as a guest speaker. Judge Syanko fined Lazarenkau \$237 (510 thousand rubles). On April 25, Minsk city authorities denied REP permission to stage a rally in central

Minsk on May 1 on the grounds that the REP failed to apply 15 days in advance, as stipulated by law. According to REP leader Gennady Fedynich, the application was delivered on April 15.

There are no special laws or exemptions from regular labor laws in the six special economic zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, women and girls were trafficked for sexual exploitation (see section 5).

The government approved several *subbotniks* by which workers “volunteered” to work on Saturday and donate the day’s earnings to finance government social projects. Participation in *subbotniks* was technically voluntary but effectively mandatory; workers who refused to participate were subject to fines and intimidation by employers and government authorities.

On March 1, the government arbitrarily ordered 150 graduating medical students to work for 3 years in small towns and villages assigned by the government. While the government routinely assigned students who received state scholarships or stipends to work in such areas after graduation, this was the first time authorities forced students who had not received assistance into compulsory service.

With the concurrence of a doctor, an administrative court may sentence alcohol and drug abusers to up to two years’ labor in a government work-treatment center, one of which is located in each of the country’s six regions. Inmates receive minimal pay, almost all of which is taken to cover room and board.

d. Prohibition of Child Labor and Minimum Age for Employment.—The government has laws and policies to protect children from exploitation in the workplace, including a prohibition on forced and compulsory labor and policies regarding acceptable working conditions, and the government implemented these laws in practice.

The law establishes 16 as the minimum age for employment. With the written consent of one parent or legal guardian, a 14-year-old child may conclude a labor contract. The prosecutor general’s office reportedly enforced this law effectively. Minors under the age of 18 were allowed to work in nonhazardous jobs, but were not allowed to work overtime, on weekends, or on government holidays. Work was not to be harmful to the minor’s health or hinder his/her education. Child labor was generally not a problem.

e. Acceptable Conditions of Work.—The national minimum wage of \$55 (118 thousand rubles) a month did not provide a decent standard of living for a worker and family. Officially, average real wages were approximately \$250 (537 thousand rubles) a month at year’s end, although many employees received additional wages under the table.

The law establishes a standard work week of 40 hours and provides for at least one 24-hour rest period per week. Because of the country’s difficult economic situation, a number of workers found themselves working considerably less than 40 hours per week, and factories often required workers to take unpaid furloughs due to raw material or energy shortages or lack of demand for factory output. The law provides for mandatory overtime and holiday pay and restricts overtime to 4 hours every two days, with a maximum of 120 hours of overtime allowed each year. The government was believed to have effectively enforced these standards.

The law establishes minimum conditions for workplace safety and worker health; however, employers often ignored these standards. Workers at many heavy machinery plants did not wear even minimal safety gear. There is a state labor inspectorate, but the agency lacked authority to enforce employer compliance and often ignored violations. From January to June, workplace accidents killed 101 workers and seriously injured 337 others; 46 percent of those killed in accidents were inebriated. The law does not provide workers the right to remove themselves from dangerous work environments without risking loss of employment.

BELGIUM

Belgium, with a population of approximately 10.4 million, is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The council of ministers (cabinet), led by the prime minister, holds office as long as it retains the confidence of the lower house of the bicameral parliament. Federal parliamentary elections held in May 2003 were free and fair and resulted in a four-party coalition government. The country is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), community (Flem-

ish, Francophone, and German), provincial, and local. The civilian authorities generally maintained effective control of the security forces

The government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported:

- lengthy pretrial detention
- violence against ethnic and religious minorities
- domestic violence against women
- trafficking in women and children

RESPECT FOR HUMAN RIGHTS

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

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

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.

There was violence towards Muslims and Jews (see section 2.c.).

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited the country between April 18 and 27. The delegation followed up on a number of issues examined during previous visits, in particular the treatment of persons allegedly deprived of their liberty by the police, the procedure and methods applied during the repatriation of foreign nationals, as well as the conditions in prisons and psychiatric hospitals. The CPT had not released its finding by year's end. The investigation into the 2003 death of a prisoner at Lantin penitentiary continued and was still pending at year's end.

Prison and Detention Center Conditions.—Prisons generally met international standards. The government was upgrading some older facilities but overcrowding remained a problem as incarcerations outpaced construction. During the year the country expanded psychiatric prison ward capacity following criticism of inmate treatment.

Juvenile prisoners were sometimes held with adults. Convicted criminals and pretrial detainees were held together.

The government permitted visits by members of parliament and independent human rights groups; they visited 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 federal police council, an anticorruption unit, and the federal interior ministry managed the operations of the federal police forces. An independent oversight committee monitored police activities and compiled an annual report for parliament. The federal police were responsible for internal security and nationwide law and order. The local police operated branches in all 196 police districts responsible for local law enforcement. There were incidents of corruption in the police force. In March four police in Boom were arrested on corruption charges; their trial began in November. A parliamentary oversight committee continued to report on cases of wrongful use of force, racism, and verbal abuse by police at all levels. These reports were under investigation at year's end.

Arrest and Detention.—An individual can be arrested while in the commission of a crime, or based on a warrant issued by a prosecutor, and must be brought before a judge within 24 hours. Detainees are promptly informed of the charges against them. While the law provides for bail, it was not a prevailing practice and was only occasionally granted. In practice arrested persons have prompt access to a lawyer of their choosing or, if they could not afford one, to a state-appointed attorney.

The courts rarely used the Summary Trial Act, which allows for the immediate arrest and summary appearance of criminals caught in the act of committing a crime.

There were no reports of political detainees.

Pretrial confinement was subject to monthly review by a panel of judges, which could extend detention based on established criteria, for example, if the court deemed the arrested person likely to commit further crimes or attempt to flee if released. There were instances where lengthy pretrial detention was a problem. Dur-

ing the year 38 percent of the prison population consisted of pretrial detainees. The average length of pretrial detention was 90 days.

Fehriye Erdhal, a Kurdish woman accused of involvement in a 1996 terrorist attack in Turkey, remained under house arrest. In April the Bruges Chamber of Indictment ruled that she, together with 10 Turkish DHKP/C militants, must appear in court to answer charges of arms possession and belonging to a terrorist organization. In June the same chamber of indictment ruled that the government has no power to try Erdhal for her role in a Turkish murder case of 1996. In October the Ghent chamber of indictment ruled that the court of assizes could not try Erdhal since the Turkish murder case was outside its jurisdiction.

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

The judicial system is composed of civil and criminal courts, which both refer cases to courts of appeal. The courts of first instance (district courts) are responsible for civil and commercial litigation for matters that exceed the jurisdiction of a justice of the peace. There are five appeal courts and one supreme court of appeal (*Cour de Cassation*) overseeing both the civil and criminal courts. The supreme court of appeal verifies that the law has been correctly applied and that no procedural errors have been committed. When the supreme court of appeal overturns a ruling, the case is referred to one of the appeals courts to reexamine the facts.

The criminal courts consist of the magistrate's court, correctional courts, and the criminal chambers of the court of appeal. Additionally each province has a court of assize, with a public jury judging the cases. These courts have jurisdiction over all the most serious crimes and political crimes. The courts of assize are courts of first and last instance and their rulings cannot be appealed.

Each judicial district has a labor court, which deals with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits. There is also a magistrate in each district to monitor cases involving religious groups (see section 2.c.).

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. All defendants are presumed innocent and have the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

The law authorizes jurisdiction over alleged war crimes and crimes against humanity committed outside the national territory only when the victim or perpetrator is a citizen of or resides in the country. On June 28, the Brussels Court of Assizes convicted two Rwandan nationals for their part in the 1994 Rwandan genocide. They received 10 and 12 years' imprisonment respectively. In July the same court awarded damages to victims. The government was pursuing the former Chadian president, Hissen Habre, for crimes against humanity committed against Belgian citizens in Chad.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

The law accorded "recognized" status to six religions and a grouping of nonconfessional philosophical or secular organizations, each of which received benefits from the federal and regional governments. The lack of recognized status generally did not prevent nonrecognized religious groups from freely practicing their religions, and citizens generally practiced their religion without official harassment or impediment.

In 1996 a parliamentary inquiry heard testimony on and from 189 sectarian or nonrecognized religious organizations. As a result of the inquiry, parliament passed a law establishing an independent government funded organization—the Center for Information and Advice on Harmful Sects (*Centre d'Information et d'Avis sur les Or-*

ganizations Sectaires Nuisables or (CIAOSN). The CIAOSN researches and responds to requests from the government or the public for information about sectarian organizations. While its analysis is not always flattering to the organizations researched, it has yet to declare any group "harmful". For some groups most often inquired about, the CIAOSN has published informational booklets. Some groups continued to complain that their inclusion in the report of the parliamentary commission caused discriminatory action against them. While the list (an annex to the parliamentary proceedings) has no official status, the groups continued to state that the prominence of the list and governmental funding of the CIAOSN caused negative assumptions and guilt by association. In practice the CIAOSN, with a staff of 8 persons, maintained information on more than 500 organizations in its library. In July Justice Minister Laurette Onkelinx announced that the government would not recognize the Church of Scientology and reaffirmed that the church appeared on the parliamentary list.

In June a Brussels appellate court judge ruled that the Church of the Kingdom of God had suffered damage by appearing in the parliamentary report of sectarian organizations. The president of the chamber of representatives argued that the judge's ruling undermined the legislative authority and independence of the lawmakers and filed an appeal with the country's highest court. The case was pending at year's end.

Political leaders avoided parliamentary debate over the use of religious symbols in public schools and allowed individual schools to continue to determine such matters. In June the Antwerp appellate court ruled that public schools could ban headscarves if it serves the educational aims of the school. The Movement against Racism, Anti-Semitism, and Xenophobia appealed to the council of state seeking annulment of individual school directives banning scarves. The appeal was pending at year's end.

The Maaseik municipal authorities fined a woman wearing a *nikaab* (a garment which covers the entire head with only the eyes visible) based on 1993 directive, ordering that all people walking the streets should be identifiable. The community accepted the ruling, and women have refrained from wearing the *nikaab* in public.

There is no provision in immigration law for foreign members of religious groups to enter the country to conduct religious work or for them to obtain work permits for that purpose. However, various religious groups, including the Church of Jesus Christ of Latter-day Saints, continued to receive visas for members from abroad temporarily to conduct missionary activities.

Societal Abuses and Discrimination.—Jewish advocacy groups noted 27 anti-Semitic incidents during the first half of the year, and Muslim organizations reported several anti-Islamic incidents. As of October there were 42 incidents reported as opposed to 27 for the same period in 2004. These included verbal abuse, swastikas painted on buildings, and a few physical attacks.

In April the Antwerp appellate court convicted an author who in writings denied the existence of the genocide committed by the Nazis. He was sentenced to one-year's imprisonment and the payment of symbolic damages. He also was stripped of his civil rights for a 10-year period.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately one thousand persons during the year.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The government, in partnership with the International Organization for Migration (IOM), provided relocation assistance to unsuccessful asylum applicants who agreed to repatriate voluntarily to their country of origin. Unsuccessful applicants who did not leave voluntarily were subject to forced repatriation.

There are six detention centers for aliens who entered the country illegally. During the year the government upgraded its facilities to house underage detainees separately from adults. Children of asylum seekers including those awaiting repatriation attended school. In practice the government delayed repatriation for entire families who had children attending school.

Undocumented asylum seekers arriving by air, whose claims did not appear legitimate as determined by immigration officials, were not allowed to enter but were held in an airport closed detention center while awaiting forced or voluntary repatriation.

During the year Kurdish asylum seekers went on hunger strike and were given a two-month suspension of their deportation order. There were other incidents with asylum seekers on hunger strike in protest of their pending repatriation; their stay in country was not extended.

During the summer there were incidents with the police moving rejected asylum seekers from open to closed detention centers. Following the incidents, advocacy groups and interior ministry officials agreed to make the stay in the closed center prior to deportation as short as possible.

In April a Brussels court ordered the government to pay damages to a Kurd who had waited seven years to receive final word regarding his asylum application. The court found the government had failed to handle the application expeditiously.

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 ages 18 and older exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections is compulsory, with failure to vote subject to a nominal fine.

Elections and Political Participation.—Federal parliamentary elections, considered free and fair, were held in May 2003 and resulted in a four-party coalition government. Most major institutions, including political parties, are divided along linguistic lines. Federal, regional, and linguistic national decisions often take into account the specific needs of each regional and linguistic group. With three official languages, the country had a complex linguistic regime, including language requirements, for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights.

There were 53 women in the 150-seat chamber of representatives and 26 women in the 71-seat senate; 5 of the 21 federal cabinet ministers were women, and there were 12 female ministers among 33 regional ministers. In 2002 parliament adopted legislation that requires an equal number of male and female candidates on party tickets for all future regional and federal elections.

There were four members of minorities in the chamber of representatives and six members of minorities in the senate; one of the federal cabinet ministers was a member of a minority, and there were two minority regional ministers.

In 2004 the justice minister decided to create a committee to assist in preparing elections for the representative bodies of the Muslim community. Elections for the general assembly took place March 20. Only 43,765 Muslims voted. Candidates of Turkish origin won 40 of the 68 seats of the assembly, those of Moroccan origin garnered 20 seats, those of other backgrounds won 6, and 2 Belgians of European origin were elected. After the election the executive board reached a consensus to elect a larger share of Moroccan origin representatives to the executive board, as they are the largest Muslim community in the country.

Government Corruption and Transparency.—There were several revelations of medium-scale corruption by local officials during the year. Two city councilors were held for several weeks before receiving bail on charges that they took personal benefit from expenses paid by a local housing society they managed. As part of the fallout, the minister president in charge of the region in Wallonia was forced to resign. Other cases remain under investigation.

The government provides free access to citizens and noncitizens to government information; however, there were exceptions, such as material involving national security.

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

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

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these laws; however, violence against women, trafficking in persons, and violence against minorities were problems.

Women.—Domestic violence against women, including spousal abuse, remained a problem. One in five women was subject to domestic violence, with 13.4 per cent subjected to serious violence (requiring hospitalization). In 2004 federal police reported 10,137 cases of domestic violence. Under a national pilot implemented in two judicial districts, police reports must be forwarded to the prosecutor's office for action. No results were available at year's end. The law defines and criminalizes domestic violence and provides for fines and incarceration. Figures for prosecutions and convictions were not available at year's end. The law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint; however, there were complaints that the police did not do this frequently in practice. By year's end the government had not fully implemented provisions of the law that required it to establish and maintain a database of statistics on domestic violence.

A number of government-supported shelters and telephone help lines were available across the country. In addition to providing shelter and advice, many offered assistance on legal matters, job placement, and psychological counseling to both partners

Rape, including spousal rape, is illegal, and the government prosecutes cases of rape. However, no data was available on the number of persons charged or convicted of rape, including spousal rape. A convicted rapist can be imprisoned for a minimum of 10 years to a maximum of life. The maximum sentence is based on the age of the victim.

Prostitution is not illegal; however, the law prohibits organizing prostitution or assisting immigration for the purpose of prostitution.

Trafficking in women was a problem (see section 5, Trafficking).

Sexual harassment is illegal, and the government generally enforced the law. A victim of sexual harassment in the workplace can file a claim with a court of justice and claim damages. While the law provides victims of sexual harassment the right to sue their harassers and provides for financial remedies, most cases of sexual harassment were resolved informally.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The Institute for the Equality of Men and Women is authorized to initiate lawsuits if it finds that equality laws have been violated. There was some economic discrimination against women; the gross average salary for a woman was 85 percent of the national gross average salary.

Children.—The government was committed to children's rights and welfare.

Free full time education is compulsory from ages 6 to 16; subsequently education remains compulsory until the age of 18, but pupils may continue on a part time basis. Most children over 15 years old (more than 75 percent) finish school with a secondary diploma. There is generally little or no difference in the academic achievement of girls and boys.

The government funded health care; boys and girls had equal access.

There were reports of child abuse. During the year there were 60 prosecutions for child abuse. As a result of public awareness campaigns to sensitize the general public to the problems of child abuse, the number of reports of child abuse and neglect increased. The law provides for the protection of youth against sexual exploitation, abduction, and trafficking. The law provides for severe penalties for child pornography and persons possessing pedophilic materials. It permits the prosecution of residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot be paroled without first receiving specialized treatment and must continue counseling and treatment upon their release from prison.

Government and private groups provided shelters for runaways and counseling for children who were physically or sexually abused. Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 3,305 cases concerning 3,658 children in 2004. Approximately 40 percent of the reported cases concerned runaways, 17 percent involved abduction by parents, 30 percent were reports of disappearance, and nearly 10 percent were pedophilia cases.

Although child prostitution was not widespread, it was a problem. As a result of the government's 2004 campaign to prevent child prostitution, the public appeared more aware of the problem, and increased reporting was evident.

Trafficking in children was a problem (see section 5, Trafficking).

Trafficking in Persons.—The law criminalizes trafficking in persons; however, the country was both a transit and a destination point for trafficking in women and children. Despite laws that offer protection and continued residence in the country to foreign victims of trafficking who come forward, both governmental and nongovernmental sources indicated a continuing rise in trafficking of women and minors for sexual exploitation.

The law provides that persons convicted of violating the antitrafficking law are subject to one to five years' imprisonment and substantial fines. Members of trafficking "organizations" and persons committing offenses that include aggravated circumstances may be punished by 10 to 15 years of hard labor and higher fines. Penalties for trafficking of children are more severe and include possible life imprisonment if the victim is less than 10 years of age.

New legislation came into force during the year that creates stiffer penalties for trafficking of unaccompanied minors; makes it no longer possible to invoke the defense of the consent of the victim; and creates aggravating factors that can increase the sentence.

In April 2004 the justice minister issued a new directive on investigating trafficking cases. Liaison magistrates are appointed with the courts of first instance, appellate courts, and labor courts. They are part of the Experts Network of the College of Prosecutors General. The directive ordered the magistrates to prioritize cases involving young victims, cases concerning violation of human dignity and involving the use of violence. The minister identified as second priority cases those involving criminal organizations, cases of continued criminal activity, and ones with an important social impact. The directive established new guidelines for conducting investigations, confirming the responsibility of the trafficking unit of the federal police to conduct strategic and operational analyses.

In 2004 the federal police reported a significant increase in Bulgarian gangs involved in forced prostitution and related crimes, an increase in private prostitution and escort services, and a smaller number of African prostitutes working in bars. The government assisted in international trafficking investigations.

Trafficking victims continued to come primarily from sub-Saharan Africa (particularly Nigeria), Central and Eastern Europe (particularly Albania and Bulgaria), and Asia (particularly China). Nigerian and Albanian victims usually were women between the ages of 21 and 30 trafficked for prostitution. Victims of sexual exploitation were increasingly women under age 18. Gangs that controlled the trade sometimes threatened victims with violence, including retribution against the victims' families in their home countries. Chinese victims often were young men trafficked for manual labor in restaurants and sweatshops.

There appeared to be a decreasing number of trafficking cases that were the work of organized gangs from Central and Eastern Europe, particularly Albania. While a growing number of victims came forward, this rarely led to the identification or capture of the traffickers. Traffickers not only moved their victims frequently from city to city within the country, but also used the European Union's open borders to move victims from country to country. Freedom of movement also made it easy for traffickers to evade arrest if one of their victims went to the authorities.

The law provides that victims of trafficking who provide evidence against their trafficker may be granted temporary residence and work permits and are eligible to receive significant financial assistance from government-funded reception centers managed by nongovernmental organizations (NGOs). In each of the country's three regions, the Government designated and subsidized a nonprofit organization to provide such assistance. At the conclusion of legal proceedings against their traffickers, victims generally were granted permanent residence status and unrestricted work permits. The rights of victims generally were respected in practice, and they were not treated as criminals. The Center for Equal Opportunity and the Fight against Racism (CEOOR) did not maintain statistics on how many victims of sexual exploitation were sheltered and assisted.

In 2004 the three regional specialized centers offered shelter to 893 victims, primarily from Nigeria, China, Romania, Bulgaria, and Albania.

The government worked closely with the IOM to develop programs to combat trafficking and to assist its victims. For example the government provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they had returned home. The government worked closely with and supported NGOs that combated trafficking.

Persons with Disabilities.—The law provides for the protection of persons with disabilities from discrimination in employment, education, access to health care, and the provision of other state services. There were no reports of societal discrimination

against persons with disabilities. While the government mandated that public buildings erected after 1970 be accessible to such persons, many older buildings are still inaccessible.

National/Racial/Ethnic Minorities.—Immigrant communities complained of discrimination. Members of the Muslim community, estimated at 450 thousand, and principally of Moroccan and Turkish origin, claimed that discrimination against their community, notably in education and employment and especially against young men, was greater than that experienced by other immigrant communities. In 2004 the CEOOR, which is tasked with investigating complaints of discrimination, handled 924 complaints. In its annual report covering 2004, the CEOOR mentioned an increase in complaints regarding racism and discrimination in the workplace. The discrimination concerned hiring, verbal abuse, and contract termination on the grounds of color of the skin, faith, and wearing a headscarf.

During the year, there continued to be reports of ethnic and religious incidents, primarily directed towards Muslims and Jews (see section 2.c.). Increases in anti-Semitic nonviolent incidents noted in some unofficial reports may have reflected the increased and easier reporting mechanisms.

Other Societal Abuses and Discrimination.—Discrimination against homosexuals received considerable public and political attention. In April a Nivelles court convicted a landlord who refused to lease a house to a same-sex couple. It was the first ever conviction for discrimination against homosexuals. In May a juvenile court convicted two youngsters for physically assaulting a homosexual couple, under the law combating discrimination. The country permits homosexual marriages.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to associate freely, including the freedom to organize and to join unions of their own choosing, and workers exercised this right in practice. Approximately 63 percent of employed and unemployed workers were members of labor unions. During the year trade unions complained about difficulties (legal and practical) they encountered when seeking to organize workers in small businesses and retail groups. Fines for antiunion discrimination are too small to deter antiunion discrimination effectively. According to the International Confederation of Free Trade Unions (ICFTU), employers prefer to pay fines rather than reinstate workers dismissed for union activities.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protects this right in practice. The right to bargain collectively is recognized, and the government protected this right in practice. Approximately 63 percent of all workers were covered by such agreements. The law provides for the right to strike, and workers exercised this right in practice. According to the ICFTU, the right to strike was often undermined in practice, with many cases in recent years of employers seeking court rulings to ban strikes. Since this practice was widely used, the social partners completed the “gentlemen’s agreement”, which aimed to promote dialogue between the social partners in the event of collective disputes. Courts have limited the right to strike since 2002 by an agreement that commits both labor and management to “social dialogue.” This “social dialogue” did not prevent at least three strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law and policies generally protect children from exploitation in the workplace. The minimum age of employment for children is 15. Youths between the ages of 15 and 18 could participate in part-time work and study programs and work fulltime during school vacations. Trafficking of children occurred (see section 5). The labor courts effectively monitored compliance with national laws and standards, and there were no violations reported by year’s end.

e. Acceptable Conditions of Work.—The monthly national minimum wage for workers over 21 years of age was approximately \$1,492 (1,243 euros), coupled with extensive social benefits, which provided a decent standard of living for a worker and family.

The standard workweek is not to exceed 38 hours, and the national collective bargaining agreement prohibited more than 11 hours of overtime daily and 50 hours weekly. An 11 hour rest period is required between 2 work periods and overtime is paid at a time and a half premium Monday through Saturday and at double time

on Sundays. The ministry of labor and the labor courts effectively enforced these laws and regulations.

There are comprehensive provisions in the law for worker safety. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and workers exercised this right in practice. Regulations were generally enforced effectively.

The CEOOR reported increased discrimination based on national origin and race in the workplace (see section 5).

BOSNIA AND HERZEGOVINA

The 1995 peace agreement for Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina (BiH) and two multiethnic constituent entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), along with the independent District of Brcko. The country has a population of approximately 4 million; the Federation has a Bosnian Muslim (Bosniak) and Croat majority, while the RS has a Bosnian Serb majority. The constitution provides for a federal democratic republic with a bicameral parliamentary assembly but assigns many governmental functions to the two entities, which have their own governments. The Dayton Accords provide for an Office of the High Representative with authority to impose legislation and remove officials. The BiH government is headed by a tripartite presidency consisting of Bosnian Croat Ivo Miro Jovic, Bosnian Serb Borislav Paravac, and Bosniak Sulejman Tihic. In the Federation, a directly elected president nominates and the House of Representatives approves the prime minister. In the RS, a directly elected president nominates and the National Assembly confirms the prime minister. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor; although there were improvements in some areas, serious problems remained. The security situation in sensitive return areas and police responsiveness to incidents targeting minority returnees did not improve. The following problems were reported:

- deaths from landmines
- physical abuse by police officials
- overcrowding and poor conditions in prisons
- improper influence on the judiciary by nationalist elements, political parties, and the executive branch
- pressure and harassment of the media by authorities and dominant political parties
- official restrictions on activity by religious minorities
- political, ethnic, and religious violence
- official obstruction of the return of displaced persons
- widespread perception of government corruption
- two of the International Criminal Tribunal for the former Yugoslavia's (ICTY) most wanted war crimes suspects, Ratko Mladic and Radovan Karadzic, remained at large
- discrimination against women, ethnic minorities, persons with disabilities, and sexual minorities
- trafficking in persons
- limits on workers rights

RESPECT FOR HUMAN RIGHTS

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

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

There were no developments during the year in the December 2004 killing of Hrustan Suljic, president of the local Bosniak returnee community near the town of Teslic, by unknown persons in front of his family home. The police investigation into the killing was ongoing at year's end.

In March RS authorities surrendered Serb indictee Dragoje Paunovic to the BiH state court war crimes chamber; Paunovic was accused of crimes against humanity in connection with the forced deportation of Muslim civilians from the eastern RS in 1992.

Domestic courts and the ICTY continued to adjudicate cases arising from crimes committed during the 1991–95 conflicts (see sections 1.e. and 4).

During the year landmines killed 10 persons and three demining accidents killed 1 person and injured 2 persons. Two of the fatalities were children under the age of 12.

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

An estimated 15 thousand to 20 thousand persons remained missing from the wars in 1991–95. The International Committee of the Red Cross (ICRC) reported that, since 1995, it had received requests from family members to trace 21,480 persons missing from the war. By year's end, a total of 6,855 persons had been accounted for, including 443 found alive. The national Missing Persons Institute (MPI), established in 2004, was responsible for absorbing the entity-level missing persons commissions and continuing the search for missing persons in partnership with the International Commission on Missing Persons (ICMP). The MPI was not fully operational during the year, but in the interim its tri-chairmanship composed of Bosniak, Croat and Serb representatives of the entity-level commissions coordinated the exhumation and identification of missing persons.

During the year entity-level commissions carried out 288 exhumations of mass or illicit gravesites with the forensic support of the ICMP and recovered 282 partial and complete sets of human remains. During the year the Federation commission uncovered five mass graves in Liplje near Zvornik that contained the remains of more than 1,000 victims of the Srebrenica massacre. During the year the ICMP's laboratory generated DNA matches that may lead to the identification of 1,882 individuals. The ICMP also collected blood samples from relatives to assist in identifying 958 missing persons.

The RS government established an independent Srebrenica Commission to comply with a 2003 Human Rights Chamber decision ordering it to inform families of the fate of relatives missing from the Srebrenica massacre and to investigate the events giving rise to the massacre and report the results of the investigation. In November 2004 the commission turned over a classified annex of documents implicating an unknown number of war crimes suspects to RS authorities for investigation. In March the RS government forwarded to the Office of the High Representative and the state prosecutor a list of 892 persons suspected of involvement in the massacre who still hold government jobs. However, the High Representative Paddy Ashdown found that RS authorities failed to provide information about hundreds of individuals listed in the classified annex. In October RS authorities submitted their final report as required by the High Representative Ashdown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, physical mistreatment of prisoners by police occurred.

During the year there were a number of citizen complaints in both entities alleging excessive use of force during arrest. According to the European Union (EU) police mission and the RS and Federation professional standards units (PSUs), the number of complaints against police officers remained at approximately the same level during the year as in 2004. Investigations and into police misconduct and standards of accountability continued to improve during the year (see section 1.d.).

Reports of societal violence against minority communities declined slightly during the year; police investigation of these incidents and police protection in general remained at the same level as in 2004 (see sections 2.d. and 5).

There continued to be societal violence directed at returning refugees (see sections 2.d. and 5).

Prison and Detention Center Conditions.—Conditions were poor in police detention facilities, where overcrowding and inadequate food and hygiene were chronic problems. Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and antiquated facilities remained chronic problems. During the year, inmates at Tunjice Prison in Banja Luka staged a protest over poor living conditions, inadequate medical treatment, extortion of bribes, and physical abuse by guards. The RS minister of justice met with the inmates and pledged to investigate their allegations, as well as to institute disciplinary proceedings against guards who physically abused them. There were some incidents of ethnically motivated violence among inmates. For example, in June four ethnic Serb prisoners serving sentences for war crimes in Zenica prison were attacked by Bosniak inmates. The Serb prisoners went on a hunger strike in support of their request to be transferred to Kula Prison in East Sarajevo. The Federation minister of justice conducted an investigation and declined the transfer request.

Corruption among prison officials continued to be a problem.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Male inmates aged 16 to 18 were housed with adult male inmates, while male inmates under the age of 16 were held separately.

The government permitted visits by independent human rights observers; international community representatives were given widespread and unhindered access to detention facilities and prisoners. The ICRC conducted prison visits in both entities 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 law gives the government of each entity responsibility for law enforcement. The EU Force (EUFOR) continued to implement the military aspects of the Dayton Accords and to provide a secure environment for implementation of the nonmilitary aspects of the settlement. The North Atlantic Treaty Organization headquarters in Sarajevo is responsible for overseeing defense reform, counter-terrorism efforts, and cooperation with the ICTY. The EU police mission continued its mandate to monitor, mentor, inspect, and raise standards of the local police.

The Federation and the RS have their own police forces, as does the District of Brcko. There are three primary levels of law enforcement in the country: the state-level BiH Ministry of Security, which does not have a police force but is supported by the State Investigation and Protection Agency (SIPA) and the State Border Service (SBS); the Federation Ministry of Interior; and the RS Ministry of Interior. The RS interior ministry is centralized with five public safety centers. The Federation interior ministry is decentralized; each of the 10 cantons has its own cantonal ministry of interior that functions autonomously. Neither the Federation nor the RS interior ministries reports to the BiH Ministry of Security. Although they share information, these structures function quasi-independently and have jurisdiction over different offenses. For example, the security ministry is responsible for state-level crimes, such as terrorism and trafficking in persons, whereas the RS and Federation interior ministries are responsible for crimes in their areas. In October the entities and state authorities approved a police reform proposal which supported key European Commission principles on unified policing and set out a roadmap for implementation.

Police in the RS generally did not meet target standards of ethnic representation, as mandated by various agreements; however, the number of minority police officers in both entity police forces continued to increase slightly.

The EU police mission acted in an advisory capacity to entity police forces, with a limited mandate. Interior ministry PSUs functioned as internal affairs investigative units in each entity and in the Brcko District. The presence of these units led to the processing of complaints of police misconduct and discipline of police in accordance with standard procedures.

During the year the RS PSU investigated 792 excessive force complaints and determined that 67 citizen complaints and 115 internal complaints were well founded. The unit forwarded recommendations for disciplinary action to prosecutors in 170 cases considered to be major violations of duty. During the year, 26 criminal (felony) reports and 27 misdemeanor reports were filed against 29 interior ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations.

During the year the Federation PSU investigated 100 cases and concluded that 32 complaints were well founded. The 10 cases that were deemed to be major violations of duty were forwarded to prosecutors for appropriate disciplinary action. As a result of disciplinary actions, eight police officers were fined, two were fired, and one was reassigned.

There were continued reports of corruption at the highest levels of the security forces at the entity and national level. Investigations conducted by police in cooperation with the international community, including the EU police mission, resulted in several ministers and police officials being fired or prosecuted (see section 3).

Arrest and Detention.—In practice persons were openly arrested with warrants based on sufficient evidence and issued by a judge. The law requires that persons suspected of committing a crime must be taken before a prosecutor within 24 hours after detention. This requirement was observed in practice. The prosecutor has an additional 24 hours to determine whether the person should be released or to bring the person before a judge to decide if they should remain in pretrial custody. Police are also authorized to detain individuals for up to 6 hours at the scene of a crime for investigative purposes. Detainees are allowed to request a lawyer of their own choosing and to inform family members of their detention. Courts are required to provide indigent defendants with attorneys only in felony cases; however, authori-

ties did not always do so in practice, particularly for less serious offenses. Detainees were promptly informed of the charges against them. There was a functioning bail system. There were no reported cases of arbitrary arrest or detention during the year.

There were no reports of political detainees.

The law provides that pretrial detention cannot be longer than one year. Persons in pretrial detention have the right to be informed of all charges against them once an indictment has been handed down. Under the law, a trial must be undertaken in a speedy manner; in practice, detainees were usually not held in pretrial detention for more than three months.

e. Denial of Fair Public Trial.—The laws of both entities provide for an independent judiciary; however, there were indications that political parties influenced the judiciary in certain politically sensitive cases. Judicial reforms have reduced the level of intimidation by organized crime figures and political leaders, although such interference continued to occur. For example, the executive branch exercised some overt influence over the judicial system, particularly through the questionable use of pardons.

The State Court is the highest court in the country for criminal cases. The country also has a Constitutional Court, whose judges are selected by the Federation's House of Representatives, the RS National Assembly, and the president of the European Court of Human Rights in consultation with the presidency. Each of the entities has its own supreme court and prosecutors' offices. There are cantonal courts in the Federation, district courts in the RS, and municipal courts in both entities.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of organizational inefficiency. Despite efforts to streamline court procedures, large backlogs of unresolved cases remained a problem in many jurisdictions. Authorities generally respected and implemented constitutional court decisions. During the year local authorities failed to implement four decisions of the Human Rights Chamber and its successor institution, the Human Rights Commission of the Constitutional Court; however, two of these cases were resolved after intervention by the court.

Trial Procedures.—Under Federation and RS laws, trials are public and the defendant has the right to counsel, at public expense if the defendant is charged with a crime punishable by long-term imprisonment. However, courts did not always appoint defense attorneys for indigent defendants in cases where the maximum prison sentence was less than 10 years. The law provides that defendants have the right to confront or question witnesses and to present witnesses and evidence on their behalf. Defendants have the right to appeal.

The first war crimes trial at the national level began in the BiH State Court War Crimes Chamber in September. The defendant in that case, Boban Simsic, was charged with war crimes against Bosniak civilians in Visegrad in 1992. The case was ongoing at year's end.

Local capacity to prosecute and adjudicate war crimes cases improved substantially. During the year, the war crimes chamber of the state court began conducting war crimes trials. In July the state court rendered its first war crimes verdict, sentencing Abdulahim Maktouf, an Iraqi national residing in the country, to five years in prison for participating in the kidnapping of three Croat civilians, one of whom was beheaded. In December the appeals panel of the state court overturned the verdict and order a retrial. Lower-level domestic courts also continued to conduct trials for war crimes suspects. During the year Federation prosecutors secured 11 war crimes convictions.

In February the Banja Luka district court acquitted 11 former Prijedor police officers who were indicted in 2003 for detaining members of the Matanovic family. In 2001 police discovered the bodies of Catholic priest Tomislav Matanovic and his parents, who disappeared from Prijedor in 1995, in the well of their family residence in Rizvanovici. The ICTY approved the transfer of this case to the domestic judicial system. The prosecutor appealed the verdict to the RS Supreme Court, which had not reached a decision by year's end.

Of the eight Bosnian Serbs arrested by the RS in October 2004 for war crimes against Muslims and transferred in November 2004 to the Sarajevo cantonal court, four cases were returned to the RS prosecutor's office, and four remained in Sarajevo cantonal court. The cases of defendants Svetko Novakovic, Jovan Skobo, Zeljko Mitrovic, Momir Skakavac, and Dragoje Radanovic were ongoing at year's end.

In September the Sarajevo cantonal court acquitted Momir Glisic of committing war crimes against civilians in the Grbavica settlement near Sarajevo. The Federation prosecutor appealed the decision to the Federation Supreme Court; the appeal was pending at year's end. During the year the Sarajevo cantonal court convicted

Veselin Cancar of war crimes and sentenced him to four years and six months' imprisonment. Goran Vasic was also convicted of war crimes and sentenced to five years and six months' imprisonment.

The State Court made only modest progress on adjudicating organized crime cases, where the lack of effective witness protection hampered prosecutions.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—The Domestic Commission on Real Property Claims (DCRPC) processed claims for property wrongfully taken during the 1992–95 war that were not adjudicated by the Commission for Real Property Claims (CRPC), whose mandate ended in 2003, or by municipal housing authorities. During the year the DCRPC resolved 98 cases. As of July less than 7 percent of the claims for property seized during the war remained outstanding; most of the settled claims were resolved in favor of the prewar owners/occupants. Because the DCRPC transferred thousands of unresolved cases to municipalities for adjudication at the end of 2004, only 12 of 127 municipalities had resolved all pending claims by July 30. Banja Luka municipality in the RS and Sarajevo Canton in the Federation had the highest numbers of unresolved claims.

In September 2004 the Constitutional Court upheld a Federation law prohibiting ownership of property in the Federation by anyone who served in the Yugoslav military after May 19, 1992. The ruling affected former Yugoslav officers, mostly Serbs, who claimed four thousand apartments they had abandoned during the war. The court also ruled that the Federation could apply a Yugoslav legal principle that prevents a citizen from claiming tenancy rights to more than one apartment at a time; this adversely affected the officers' claims, since most had apartments elsewhere, primarily in Serbia. Even with the court ruling, the DCRPC must still render official legal decisions in all these cases.

The Constitutional Court received 2,700 new cases during the year. By the end of the year, the court had resolved 1,693 cases, including all but 10 of the cases filed in 2004. The court found constitutional violations in approximately 5 percent of the cases it considered. Authorities enforced the Constitutional Court's orders in all but a few cases.

Roma displaced during the war had difficulty repossessing their property as a result of discrimination and because they lacked information on procedures (see section 5). In many cases, Romani families lacked documents proving ownership or had never registered their property with local authorities. The lack of documentation prevented them from applying for reconstruction assistance.

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

Unlike the previous year, there were no reports that RS or Federation police routinely conducted searches of private homes without obtaining a search warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the government did not always respect press freedom in practice. Laws safeguarding freedom of the press were delegated to the cantons in the Federation and to the central authorities in the RS.

The government generally respected freedom of speech in practice; individuals could criticize the government without fear of reprisal and frequently did so.

The government restricted press freedom and officials openly threatened the press in some instances. Officials also commonly subjected media outlets to less overt pressure, such as threatening them with loss of advertising or limits on their access to official information.

Many independent, privately owned newspapers were available and expressed a wide variety of views. Several printing houses operated in the country, precluding the formation of a publishing monopoly. *Dnevni Avaz*, whose editorial policy strongly reflects Bosniak interests, remained the largest circulation daily, followed by Banja Luka-based daily *Nezavisne Novine*. In the RS, the government-owned *Glas Srpske*, remained the largest newspaper and printing company, although there were also several independent newspapers.

Two government-owned stations (Federation Television (FTV) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS) remained the largest television broadcasters in the country. A third government-owned station, Bosnia and Herzegovina Television, has operated since August 2004. A local commercial network of five stations operated in both entities (Mreza Plus), as did the private television networks OBN and PinkBH. Dozens of small independent television stations broadcast throughout the country.

Radio continued to provide a forum for diverse points of view. Opposition perspectives were fully reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. One of these, Nes Radio, reflected a wide variety of political opinions. During the year a number of radio stations in Croat-majority areas distanced themselves from hard-line nationalistic views and covered opposition viewpoints.

Politicians and government officials pressured the media by accusing them of opposing the interests of a given ethnic group or betraying the interests of their own ethnic group. Because of the country's communal tensions, these accusations were an effective form of intimidation. On occasion, government officials, particularly in the RS, exerted economic pressure by directing the advertising of government-owned companies away from media critical of officials or official policies. Officials and political leaders strongly criticized the media in public, sometimes creating a threatening environment for journalists critical of government policies.

In April an employee of the Banja Luka faculty of mechanical engineering made threatening phone calls to a journalist who planned to publish a story about irregularities at the faculty. The journalist reported the incident to the police, who promptly detained and charged the person responsible.

In September the Serb Democratic Party (SDS) office in the town of Gacko and SDS deputies in the town's municipal assembly declared an RTRS reporter unwelcome in the town because of a series of reports she published on local SDS officials' involvement in corruption and embezzlement and issued a press release urging town residents to join them in shunning the reporter. SDS Gacko issued an apology after RTRS, the Office of the High Representative, and the BiH journalists' association condemned the action.

Also in September the warden of the Kula Prison made a threatening telephone call to a journalist from *Nezavisne Novine* who had reported on conflicts between the former RS minister of justice (then an inmate at the facility) and other inmates. The RS minister of justice apologized for the call after *Nezavisne Novine* published the threats and the BiH Journalists' Association protested.

In September 2004 a journalist for the daily newspaper *Dnevni List* published an article about convicted murderer Muamer Topalovic's request for temporary release from prison. Topalovic made threats against the journalist, and also filed slander charges against him. In October, the journalist was acquitted in the slander suit; the police investigation into the threats against the journalist was ongoing at year's end.

The laws in the RS and the Federation prohibit criminal cases against journalists for defamation, although journalists may be sued in civil court. According to the Federation ombudsman's July special report, courts were not prepared for the large volume of civil suits against journalists, and courts' lack of capacity to handle the caseload resulted in long delays. The ombudsman also expressed concern that delays and plaintiff demands for large amounts of compensation could have a chilling effect on freedom of expression.

Since 2002, approximately 400 defamation cases have been tried in cantonal and district courts in the Federation and RS; approximately 350 charges were brought in Federation courts. Public figures, particularly politicians, tended to initiate defamation cases, although journalists also frequently brought charges against colleagues.

The government did not restrict access to the Internet.

The government did not restrict academic freedom; however, academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. In Sarajevo, Serbs and Croats complained that members of the Bosniak Party of Democratic Action (SDA) and Bosniaks in general received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into eastern and western branches, reflecting the continued ethnic divide in the city.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice. A wide range of social, cultural, and political organizations functioned without interference.

While political parties did not compel individuals to become members, many viewed membership in the leading party of any given area as the surest way of obtaining, regaining, or keeping pension and health benefits, housing, and jobs in government-owned companies.

The law allows NGOs to register freely at the BiH Ministry of Civil Affairs and Communications and therefore to operate anywhere in the country; however, some NGOs and associations of NGOs experienced difficulties registering, including long delays and inconsistent application of the law. Some NGOs, frustrated by bureaucratic delays at the state level, chose instead to register their organizations at the entity level in one or both entities.

c. Freedom of Religion.—The law provides for freedom of religion; however, societal violence and the threat of violence restricted the ability of adherents of minority religions in non-ethnically mixed areas to worship as they pleased. At year's end the state minister of human rights and refugees had not yet adopted the bylaw containing instructions for implementation of the 2004 Law on Religious Freedom.

Entity and local governments and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place, although there was improvement from previous years. Overall, respect for religious freedom declined during the year. In some cases, however, police and local government officials acted to protect religious freedom by providing security for major religious events and for religious buildings. The reluctance of police and prosecutors to aggressively investigate and prosecute crimes against religious minorities remained a major obstacle to safeguarding the rights of religious minorities.

Ethnically motivated religious violence was often directed against ethnic symbols, clerics, and religious buildings. Local police generally did not conduct serious investigations into such incidents. For example, in December the glass door on the mosque in Donja Puharska, near Prijedor, was broken. This was the third act of vandalism against the mosque during the year.

In the RS, administrative and financial obstacles impeded the rebuilding of religious structures that were damaged in the 1992–95 war, limiting the ability of minorities to worship and interfering with their return in many areas.

The law requires religious communities to register with the BiH Ministry of Justice; any religious group can register if it proves that it has at least 300 adult members who are citizens. By September 30, local units of the four major religious communities (Muslim, Serbian Orthodox, Jewish, and Catholic) had registered, as well as several Christian denominations, including Baptist, evangelical Christian, and Jehovah's Witnesses congregations.

Religious education classes are mandatory for Serb children in RS public schools and optional for children in other parts of the country; however, in practice, classes were generally offered only for students of the majority religion in a given area. Authorities sometimes pressured parents to consent to religious instruction for their children. In some cases, children who chose not to attend religion classes were subject to pressure and discrimination from peers and teachers.

Societal Abuses and Discrimination.—There were a number of acts of vandalism against Islamic religious targets during the year. For example, unknown persons wrote insulting or anti-Muslim graffiti on the walls of the Hadziosmanija mosque in Banja Luka in January, on the house of an imam in Balinovac, near Mostar, in April, and on the mosque in the RS town Zvornik in July. In October unknown persons broke into the newly reconstructed mosque in the RS town of Bosanski Samac and assembled stones in the shape of a cross inside the mosque. Also in October two intoxicated men disrupted evening prayers on the first day of Ramadan in the Osmanpasina mosque in Trebinje, in the RS. Police detained both men and charged them with disturbing the peace. In December unknown persons vandalized Muslim gravestones in Banja Luka.

There was also vandalism against Serbian Orthodox and Catholic religious targets. In the Federation town of Glamoc, unknown persons set the flag of the Serbian Orthodox church on fire; police conducted an investigation but did not apprehend any suspects. In May unknown persons desecrated several graves in the Prijedor Catholic cemetery, including those of father Tomislav Matanovic and his relatives; the bodies of the Matanovic family, who were believed to be war crimes victims, were found in the well next to their former home in 2001.

There were a number of controversial cases involving construction of religious objects or monuments. In May 2004 Federation authorities ordered the removal of crosses that had been illegally constructed on public land in Stolac; however, the removal was delayed pending the outcome of a lawsuit filed in May on the legality of the Federation government's decision; the lawsuit was ongoing at year's end.

During the year Croats in the Mostar suburb of Jasenica objected to the reconstruction of a mosque on the grounds that it would be larger and different from the prewar building in violation of a law that allows reconstruction only in the same style as the original building. City officials ordered removal of the mosque; however, the order had not been carried out by year's end. Construction has been halted.

An illegally constructed Serbian Orthodox church remained on the land of a Bosniak returnee in the town of Konjevic Polje in the eastern RS, despite the RS Ministry of Urban Planning's September 2004 decision that the church should be removed and the absence of local Serb residents. On September 11, the local Orthodox priest celebrated mass in the church, which was attended by a small number of believers. Local police were present and there was no violence.

The Jewish community had approximately one thousand believers and was recognized as one of four established religions in the country.

In January two anti-Semitic articles written by a local journalist were published in the Islamic extremist *SAFF* magazine and the tabloid magazine *Walter*. In addition to making general anti-Semitic statements (for example, denying the Holocaust), the articles accused the Jewish community and some of its individual members of corruption and conspiracy. One article included an altered photograph depicting the leader of the Jewish community wearing a yarmulke, a Hitler mustache, and an armband with Star of David insignia. In December a local television station aired an Iranian television program which called the Holocaust a myth; the Jewish community strongly protested the broadcast.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, some limits remained in practice.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs).—According to the Office of the UN High Commissioner on Refugees (UNHCR), between the end of the war in 1995 and the end of November, 1,011,555 persons who left the country had returned. Of these, 452,205 were returnees to areas where they were an ethnic minority. The UNHCR registered only 6,162 returns through November, of which 5,581 were minority returnees. These numbers are substantially lower than in 2004, particularly for returnees to areas where they would be an ethnic minority.

The difficult economic situation in the country remained the most significant factor inhibiting returns, with many rural areas experiencing unemployment rates above 60 percent. When jobs were available, minority returnees often complained of discrimination in hiring. Funds for reconstruction assistance continued to decline, although the BiH Ministry of Human Rights and Refugees began implementing projects from the joint return fund during the year.

The security situation for returnees improved during the year, although isolated incidents of violence were reported and a hostile atmosphere still existed in many areas. Many returnees cited authorities' failure to apprehend war criminals as a disincentive to return, as they did not want to live in communities with persons who had committed war crimes and had not been held accountable. Many displaced persons were creating permanent lives away from their prewar homes, and only individuals with few other options (including a large number of elderly pensioners) tended to return.

Other factors inhibiting returns included a lack of available housing and high municipal administration taxes on documents that are necessary for return, such as birth or land certificates. Minority returnees often faced intimidation and discrimination, lack of access to health care and pension benefits, poor local infrastructure, and denial of utility services such as electricity, gas, and telephone by publicly owned utility companies. While problems decreased from previous years, they persisted in hard-line areas. Authorities in some areas of Croat-controlled Herzegovina and some towns in eastern RS continued to resist minority returns, obstructing returnees' access to local services, including municipal power and water, education, issuance of important civil documents, and health care.

In the RS, the refugee ministry provided support to Bosniaks and Croats returning to the RS and to Bosnian Serbs returning to the Federation. The Federation Ministry for Refugees assisted Croats and Serbs returning to the Federation and Bosniaks returning to the RS. Both entity-level refugee ministries provided limited reconstruction assistance to returnees and also committed part of their budgets to be implemented through joint projects to be determined by the BiH State Commission for Refugees. In October 2004 the commission agreed that 30 priority municipalities should receive reconstruction assistance through the newly established joint reconstruction fund. During the year municipal authorities began selecting beneficiaries and implementing projects in the fund's target municipalities. The BiH Ministry of Human Rights and Refugees also began implementing two separate projects partly funded by the Council of Europe Development Bank (CEDB) and other foreign government agencies. The CEDB project was aimed at getting resi-

dents out of collective centers (in the Federation) and alternative accommodation (in the RS) and back to their prewar homes.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum to any persons during the year.

During the year the government did not grant temporary protection to any persons who may not qualify as refugees under the 1951 convention and the 1967 protocol.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. As a result of the 1999 conflict in the former Federal Republic of Yugoslavia (FRY), approximately six thousand persons, half of them from Kosovo, fled the FRY and came to the country. In June the Council of Ministers extended the temporary refugee status of Kosovo refugees until June 2006; however, the status of all other FRY refugees expired on June 30. Refugees with pending asylum applications, regardless of national origin, may remain in the collective centers until their cases can be decided. According to UNHCR statistics from December, 736 refugees from Serbia and Montenegro, including refugees from Kosovo, remained in collective centers. An additional 3,018 refugees from Serbia and Montenegro were also living in communities throughout the country. By year's end, the government had not accepted any of these refugees for resettlement in the country.

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

The law provides citizens with the right to change their government peacefully; however, the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation.

Elections and Political Participation.—Observers from the Organization for Security and Cooperation Europe (OSCE) concluded that the 2002 general elections had been conducted largely in line with international standards for democratic elections, but noted problems including the inability of numerous voters to find their names on voter registers, group voting, and a few cases of voter intimidation.

An OSCE observer mission judged the regional and municipal elections in October 2004 to be largely in line with international standards, but noted the same problems as in the 2002 general elections.

Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and stand for election. The three major nationalist parties, (the SDA, the Croatian Democratic Union, and the SDS) dominated the political scene by virtue of their size and influence, although opposition parties were not excluded from participation in political life. Membership in the three nationalist parties conferred formal advantages, as nonparty members were often excluded from appointment to many key government positions.

The election law requires that at least 30 percent of political party candidates be women. There were 7 women in the directly elected 42-seat BiH House of Representatives (lower house) and no women in the 15-seat BiH House of Peoples (upper house), whose members were appointed by entity legislatures. There were 23 women in the 98-seat Federation House of Representatives and 20 women in the 83-seat RS National Assembly. There was 1 woman in the nine-member Council of Ministers.

There was only one member of a minority in the BiH House of Representatives and no members of a minority in the nine-member Council of Ministers. Under the Dayton Accords, members of the ethnic Serb, Croat, and Bosniak groups must be appointed to government positions on a proportional basis (based on the 1991 census). Separate from those groups, there are 16 recognized national minority groups. While other minorities may hold these offices, the law does not compel their appointment and therefore they remained underrepresented.

Government Corruption and Transparency.—There were reports of official corruption during the year. For example, a former Croat member of the BiH presidency Dragan Covic was indicted in March for tax evasion and bribery. In April the Office of the High Representative removed him from his position after he refused to resign. In February 2004 state authorities arrested the local Interpol deputy director on corruption charges; in June he was acquitted of all charges. In September the state court convicted Ante Jelavic, a former Croat member of the BiH presidency, for em-

bezzling funds during his tenure as Federation finance minister and sentenced him to 10 years in prison. He did not appear at the sentencing hearing and a warrant was issued for his arrest. The law bars citizens from holding positions of public responsibility if they have pending criminal indictments against them. In June BiH Minister for Communications and Transport Branko Dokic resigned after being charged with abuse of office.

In addition to Covic, three persons were removed from office during the year. On June 2, the commanders of NATO and EU peacekeeping forces dismissed General Novak Djukic from his position as chief of staff of the RS Army after Serb recruits under his command refused to swear allegiance to the state. On July 8, High Representative Ashdown removed Nikola Lovrinovic from his position as minister of education in the Central Bosnia canton for failing to implement higher-level education legislation. On October 28, Ashdown removed Milovan Pecelj from his position as RS minister of education for failing to carry out his duties.

Although the law provides for citizen access to government records, many government agencies did not comply with the law. For example, some agencies have not yet prepared the required registry of documents that are available and guidelines for access to them. According to the law, the government must provide an explanation for any denial of access, and citizens may appeal denials in the court system or to the ombudsman's offices. In practice, the government sometimes failed to provide an explanation for denial of access to information as required by the law; however, if citizens appealed denials to the ombudsmen or the courts, the government generally provided an explanation. Public awareness of the law remained low.

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

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

Domestic NGOs were active. For example, the Helsinki Committee of BiH and the Helsinki Committee of the RS continued actively reporting on a wide range of human rights abuses. While NGOs enjoyed relative freedom to investigate human rights abuses, authorities rarely responded to their recommendations and often categorically rejected or delayed acting on their interventions.

The government cooperated fully with international organizations such as the Office of the High Representative, which has special powers over the government, as well as other international organizations such as the UNHCR, ICRC, OSCE, and ICMP.

The Constitutional Court handles all human rights cases filed since the beginning of 2004. In January the backlog of the Human Rights Chamber, whose mandate ended in 2003, was transferred to the Constitutional Court. The Human Rights Commission, consisting of five judges from the Human Rights Chamber, was appointed to address this backlog. By November the commission had issued 2,683 decisions, of which 634 were decisions on the merits of cases. The most common cases included claims for the return of frozen foreign currency accounts, war damages cases, and claims involving pensions and property rights.

The country has twelve human rights ombudsmen, three at the state level, and three each representing the Federation, the RS, and Brcko. Citizens' remedies for human rights violations included filing civil suits or seeking assistance from the ombudsmen. However, the ombudsmen's recommendations were not binding, and the civil court system had major backlogs. The ombudsmen were effective in some individual cases, but were less successful in addressing institutional patterns of discrimination.

The Federation continued its cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the State Court's War Crimes Chamber.

While the RS improved its cooperation on war crimes cases, two of ICTY's most wanted war crimes suspects, wartime commander of the RS Army Ratko Mladic and wartime RS president Radovan Karadzic, remained at large and, in the eastern RS, Foca, Bijeljina, and Pale remained under sanction for failing to cooperate with the ICTY.

During the year authorities assisted in the transfer of 9 persons indicted for war crimes to the ICTY for prosecution. The ICTY held 56 accused in custody, while 23 accused have been provisionally released from pretrial detention. In August local authorities arrested ICTY indictee Milan Lukic in Buenos Aires. Lukic appealed his extradition to the ICTY, and the case was ongoing at year's end. In September the ICTY transferred the Bosnian war crimes case of Radovan Stankovic for trial in BiH

by the war crimes chamber. Stankovic was the first ICTY indictee to be tried in a Bosnian court. The ICTY has approved the transfer to the Bosnian court of an additional six indictees; they are appealing the decision. In September RS authorities transferred Serb indictee Sredoje Lukic to the ICTY to stand trial for crimes against humanity for his involvement in the alleged murder, detention, rape, and abuse of Muslim civilians in the RS town of Visegrad in 1992.

The ICTY trial of former FRY president Slobodan Milosevic, who was charged with genocide and other crimes in the country, remained ongoing at year's end. In January the ICTY sentenced Colonel Vidoje Blagovic, a senior officer in the wartime Bosnian Serb army, to 18 years' imprisonment for genocide for his role in the Srebrenica massacre. His codefendant, Dragan Jokic, received a nine-year sentence for war crimes and crimes against humanity. The ICTY trials of Momcilo Krajisnik, a senior military official in the wartime Bosnian Serb army, and Naser Oric, commander of the Bosnian army in the Srebrenica area, were ongoing at year's end.

Many, if not most, of the perpetrators of killings and other abuses committed in previous years remained unpunished, including war criminals indicted by the ICTY, those responsible for the approximately 8 thousand persons killed after the fall of Srebrenica, and those responsible for approximately 15 thousand to 20 thousand other persons who were missing and presumed killed as a result of "ethnic cleansing." In September the RS Srebrenica Commission criticized the RS Ministry of Defense for not providing sufficient information on police units that were active during the 1995 massacres of civilians in the Srebrenica area.

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

The law prohibits discrimination based on race, gender, disability, language, or other social status; however, discrimination against minorities, women, sexual minorities, persons with disabilities, and others was pervasive.

Women.—Violence against women, including domestic violence and sexual assault, remained a widespread and underreported problem. According to a 2004 study by the Sarajevo faculty of criminology, 20 percent of female respondents indicated that they had been physically abused by their husbands or boyfriends. In 79 percent of these cases, the violence occurred repeatedly. Spousal rape and spousal abuse are illegal in the Federation and the RS; however, domestic violence usually was not reported to the authorities. Experts estimate that only 1 in 10 cases of domestic violence are reported to the police. During the year, the RS domestic violence hotline received 1,019 reports. Both entities adopted a law on domestic violence that requires police to remove the offender from the family home.

Police received specialized training in handling cases of domestic violence and several local NGOs operated a 24-hour hotline to provide assistance and counseling to domestic violence victims. Reluctance on the part of victims to report domestic violence to authorities or to testify against their abusers contributed to lack of prosecutions. There were shelters in Mostar, Tuzla, Banja Luka, Sarajevo and Modrica to assist victims of domestic violence. Several NGOs reported an increase in domestic violence reports because of awareness-raising campaigns that informed victims about their rights and encouraged them to make official complaints.

Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years' imprisonment. A sense of shame reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness.

Prostitution is illegal. The law treats procuring as a major crime, but prostitution and solicitation are misdemeanors punishable by a fine only. Police raids on bars and brothels drove prostitution underground, and it frequently took place in private apartments or on an outcall basis. Single mothers or other vulnerable women, particularly from economically depressed rural areas, were at higher risk of being recruited for sexual exploitation.

Trafficking in women for purposes of sexual exploitation was a serious problem (see section 5, Trafficking).

The law prohibits sexual harassment, but sexual harassment was a serious problem that was poorly understood by the general population. Many women surveyed by NGOs reported experiencing treatment that constituted sexual harassment in their workplaces. Victims of sexual harassment almost never filed complaints, largely because they did not recognize their experiences as harassment and were not aware of their legal rights and remedies.

The law prohibits gender-based discrimination. Women have equal legal status to men in family law and property law, and were treated equally in practice throughout the judicial system.

During the year the BiH government established the Agency for Gender Equality, which worked to harmonize legislation with the Law on Gender Equality and inform

women of their legal rights. The Federation, RS, and BiH parliaments had committees for gender equality.

Women served as judges, doctors, and professors, although few women held positions of real economic or political power. A small but increasing number of gender-related discrimination cases were documented. Anecdotal accounts indicated that women and men generally received equal pay for equal work at government-owned enterprises but not always at private businesses. Women in all parts of the country had problems with nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria such as age (typically under 35) and physical appearance of female applicants. Women remained underrepresented in law enforcement agencies, although progress continued to be made.

Children.—The governments of both entities were generally committed to the rights and welfare of children; however, social services for children were extremely limited. The BiH Ministry of Human Rights and Refugees also had an oversight role in enforcing children's rights. Children with disabilities lacked sufficient medical care and educational opportunities.

Education is free and compulsory through age 15; however, parents were required to pay for textbooks, lunches, and transportation, which some families could not afford. A lack of reliable monitoring and statistics on enrollment and drop-out rates hindered efforts to ensure that school-age children received an education. Children with special needs were legally required to attend regular classes, but schools were often unable to accommodate them. Except for Roma, almost all children finished primary school through the 9th grade; the completion rate was lower for secondary school. Boys and girls attended school equally.

According to the country's annual Helsinki Committee human rights report, up to 70 percent of Romani children did not attend school regularly. Many Romani children were unable to attend school because of extremely poor living conditions, lack of proper clothing, and the inability or unwillingness of families to pay school-related expenses. Verbal harassment from other students, language problems, and registration costs and requirements also contributed to the exclusion of Roma from schools, despite the desire of many parents to enroll their children.

Students in minority areas frequently faced a hostile environment in schools that did not provide an ethnically neutral setting. Obstruction by nationalist politicians and government officials slowed efforts to remove discriminatory material from textbooks, abolish school segregation, and enact other reforms. Cantonal governments in the Federation and the Ministry of Education in the RS pressured school directors at the primary and secondary school level, and several schools were directed by hard-line political figures.

Administrative and legal unification of the 52 cases of "two schools under one roof," with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extracurricular activities, school entrances and recreation facilities sometimes resulted. In some areas of the country, notably Vitez in central Bosnia and Prozor-Rama and Stolac in Herzegovina, local officials and parents sought to establish complete physical segregation of Bosniak and Croat students. Segregation and discrimination were entrenched in many schools, particularly in the teaching of national history and religious education. In the RS, non-Serbs made up less than 5 percent of the teaching staff in primary and secondary schools. In the Federation, minority teachers made up between 5 and 8 percent of all teachers, depending on the canton.

Schools throughout the country continued to use textbooks on subjects outside the so-called "national group" of subjects that contained controversial material. For example, textbooks in Bosnian Croat-majority areas refer to Croatia as the homeland of all Croat people, while texts in the RS instill a sense of patriotism towards Serbia and Montenegro.

During the year the Interentity Textbook Review Commission drafted guidelines for authors of new textbooks that emphasized multiple points of view, including those of women and national minorities. Despite their earlier commitment to the commission, five Bosnian Croat cantonal ministers of education and RS Minister of Education Milovan Pecelj refused to sign the guidelines.

Medical care for children in the Federation is controlled at the cantonal level, and the level of care varied widely between cantons. In the RS, the law provides that the Ministry of Health furnish free medical care to children up to 15 years of age; in practice, children often did not receive medical care unless they had medical insurance paid for by their parents. Boys and girls had equal access to medical care.

Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse; there were no statistics available on the extent of the problem. Municipal centers for social work were responsible for pro-

tecting children's rights, but often lacked resources and alternative housing for children who ran away from home to escape abuse or who needed to be removed from abusive homes. Some NGOs estimated that one in four families experienced some form of domestic violence, including physical, psychological, or sexual abuse of children.

In certain Romani communities, girls were married between the ages of 12 and 14. Apart from efforts to increase Romani participation in education, there were no programs aimed specifically at reducing the incidence of child marriage.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Child begging was common in some Romani communities; infants (with adults) and children as young as four were sent out to beg on street corners, often working 10 or more hours per day in all weather conditions.

According to statistics released during the year by the Ministry of Human Rights and Refugees, 38,547 of the 186,138 displaced persons from the country were children under 18.

Trafficking in Persons.—The law prohibits trafficking in persons; however, women and girls were trafficked for sexual exploitation and children and adults were sometimes trafficked for labor, particularly from the Romani community. There were reports that police and other officials were involved in trafficking.

Under the law, trafficking is a state-level crime that carries a sentence of up to 10 years in prison. The BiH Ministry of Security is responsible for coordinating antitrafficking law enforcement at all levels of government.

During the year authorities intensified efforts to combat trafficking, formalizing a victim referral mechanism, drafting by-laws on domestic trafficking victims, concluding a memorandum of understanding with six local NGOs to provide shelter and other services to victims, working with the entity ministries of education to incorporate trafficking awareness training into the public school curriculum, and conducting extensive training for police, prosecutors, judges, teachers, and social workers.

The state prosecutor's office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the BiH level and which to send to the entity level. The national antitrafficking coordinator, whose mandate includes coordination of victim protection efforts among NGOs, police, and government institutions as well as law enforcement, reported directly to the Ministry of Security. A nationwide interagency investigative task force to combat trafficking, the antitrafficking strike force, was chaired by the chief state prosecutor and included prosecutors, police, and financial investigators and targeted trafficking and illegal migration. There were four major strike force investigations that resulted in indictments during the year.

In a major trafficking case in Sarajevo, in 2004 authorities charged a bar owner, his wife, and another bar employee with procuring, pandering, and tampering with evidence. In April a court convicted the bar owner, Samir Haganovic, and sentenced him to three years and eight months' imprisonment. The court sentenced his wife and former employee to one and a half years' imprisonment.

In September a court convicted two men of trafficking and the prosecutor reached a plea agreement with two others for participating in the exploitation and sale of Ukrainian trafficking victim Olena Popik, who died of AIDS-related illnesses in Mostar in November 2004. The four received prison sentences ranging from seven months to two years.

The country was a destination, transit point, and, to a lesser extent, country of origin for women, girls, and, in a few cases, teenage boys trafficked for sexual exploitation. During the year, Romani children were trafficked into and within the country for forced labor. The country was also a transit point for Chinese nationals being trafficked for forced labor; illegal Chinese immigrants generally remained in the country for short periods before continuing to destinations in Western Europe.

Over 90 percent of trafficked women in the country came from Moldova, Romania, Serbia and Montenegro, and Ukraine. While no reliable estimates are available, a significant number may have been trafficked on to Western Europe. According to the International Organization for Migration (IOM), most victims were lured by false job offers, such as advertisements offering work in Italy or Germany as dancers, waitresses, and domestic servants. Some NGOs reported that trafficking victims were increasingly lured into the country by promises of marriage to traffickers or their associates, while others knowingly entered into false marriages to obtain work and residence permits. Most trafficked women entered the country through Serbia and Montenegro. Those who transited the country generally continued on via Croatia. The IOM reported Bosnian victims in other parts of Europe and local NGOs observed some Bosnian victims within the country.

There were no reliable estimates on the number of women trafficked during the year; police raids forced trafficking further underground, increasing the difficulty of estimating the scope of the problem. During the year the IOM assisted 38 victims, 14 of whom were repatriated; 6 victims were citizens, while 5 were minors.

Traffickers came from a variety of backgrounds, including freelance operators and loosely organized local criminal networks. Large international organized crime syndicates were less involved than in previous years. Some employment, travel, and tourist agencies fronted for traffickers.

Victims reported working in conditions akin to slavery, with little or no financial support. In some cases, traffickers paid victims some wages so that they could send money home to their families. Traffickers coerced victims to remain in these situations through intimidation, verbal threats, seizure of passports, withholding of food and medical care, and physical and sexual assault. To keep victims in the country legally, traffickers also made victims apply for asylum since, as asylum seekers, they were entitled to remain in the country until their claims could be adjudicated.

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. In October 2004 border police arrested a member of the RS interior ministry's elite special unit near Bijeljina while he was attempting to cross into the country from Serbia with two suspected trafficking victims in his car. Authorities immediately suspended him from duty and opened an investigation, which was ongoing at year's end. During the year, authorities charged a State Border Service officer with abuse of office for placing a false stamp in the passport of a suspected trafficking victim; the case was ongoing at year's end.

If screening established that a person was a trafficking victim, authorities did not prosecute that person for immigration or prostitution violations. In most cases, foreign victims were voluntarily repatriated. Persons found not to be trafficking victims were often deported and occasionally prosecuted for immigration and other violations.

During the year the government adopted a formal victim referral mechanism and signed memoranda of understanding with the six NGOs that ran shelters for trafficking victims. The local NGO Forum of Solidarity operated the main shelter in Sarajevo and ran one safe house in Doboj where victims received medical care, counseling, repatriation assistance and limited vocational training. Other NGOs operated safe houses in Sarajevo, Banja Luka, Mostar, and Bijeljina. Although police provided protection for the shelters, victims told NGO employees that they did not trust local police and feared that traffickers would pursue them if they left.

During the year NGOs assisted 88 trafficking victims, who were provided basic shelter and medical, psychological, and legal assistance. The Office of the UN High Commissioner for Human Rights published a manual on legal advocacy and trained local attorneys to assist trafficking victims on a range of criminal and civil issues, including their immigration status and legal rights if they chose to testify against their traffickers.

In cooperation with the IOM, the government launched a public awareness campaign focusing on children in primary and secondary schools and teacher training.

Persons with Disabilities.—The law in both entities prohibits discrimination against persons with disabilities; however, there was discrimination against persons with disabilities in employment, education, access to health care, and in the provisions of other state services.

Throughout the country, there was clear discrimination between different categories of persons with disabilities, and the vast majority of persons with disabilities were unemployed. For example, persons with disabilities resulting from the war were given a de facto privileged status above the civilian war disabled and persons who were born with disabilities. Children with disabilities were often hospitalized in residential institutions or confined to their homes, and they rarely had the opportunity to attend school. One NGO estimated that 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available. Some institutions inappropriately housed mentally ill and developmentally disabled persons together.

In the Federation, the law mandates that all existing public buildings must be retrofitted to provide access to persons with disabilities by November 2007 and that new buildings must also be accessible. However, in practice, buildings rarely were accessible to persons with disabilities. The RS had comparable laws for building access but progress on retrofitting older public buildings remained slow.

National/Racial/Ethnic Minorities.—Ethnic differences remained a powerful force in the country, although mixed communities existed peacefully in a number of areas. Nationalist Bosnian, Serb, and Croat politicians sought to increase the ethnic homogeneity of the population in areas they controlled by discouraging IDPs of their own

ethnicity from returning to their prewar homes if they would be in the minority there (see section 2.d.). However, the RS government was supportive of Bosniak and Croat returns to the RS, and Bosniak returns to the Srebrenica area increased; however, the RS continued to support integration of displaced Bosnian Serbs within the RS using the war veterans' budget and at the municipal level, land allocations.

While incidents of violence decreased overall in the country, follow-up investigations in a number of cases were problems. Police conducted investigations but consistently failed to apprehend and charge perpetrators of ethnically motivated hate crimes. For example, in February an unknown assailant physically attacked an elderly Bosniak returnee to the RS town of Dobojo.

In May a match between the country's junior national soccer team and the team of Serbia and Montenegro in Bijeljina was marred by ethnic slurs against Bosniaks and burning of the BiH flag by Bosnian Serb supporters of the visiting team. Also in May unknown persons broke the windows of three Bosniak-owned shops in Prozor.

Harassment and discrimination against minorities continued throughout the country, often centering on property disputes, despite improvements in some areas. These problems included desecration of graves, arson, damage to houses of worship, verbal harassment, dismissal from work, threats, and assaults.

Ethnic discrimination in employment and education remained key obstacles to the return of residents (see section 5, Children). Widespread firing of ethnic minorities during and after the war was not reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where the minorities had been employed. Although privatization of large state-owned enterprises was conducted under the supervision of the international community, many smaller enterprises were sold to politically well-connected individuals, usually members of the majority group in their communities. These enterprises generally did not employ minorities. For example, none of the Croat-owned businesses in Stolac employed Bosniaks.

The Roma population, estimated at 40 thousand to 80 thousand, faced serious difficulties in exercising the full range of fundamental human rights provided to them under the law. Access to employment, education, and government services was a particular concern. Many Roma were excluded from public life because they lacked birth certificates, identification cards, or a registered residence. Many Roma also could not access health care or register to vote. Only a small number of Romani adults were officially employed and Roma were often denied social support; some families sent their children out to beg or relied on other sporadic sources of income. In August the Council of Ministers adopted a national Roma strategy, which focused on improving Romani access to education, employment, health care, property rights and more robust political participation by Roma. However, the government had not started implementing the strategy by year's end.

While authorities permitted Romani children to attend schools in all areas of the country, their attendance was often low as the result of pressure from within their own community and from local non-Romani communities discouraging them from attending school (see section 5, Children).

Other Societal Abuses and Discrimination.—While the law prohibits discrimination on the basis of sexual orientation, it was not enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender persons. Sexual minorities who were open about their orientation were frequently fired from their jobs. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult to find another job. Some gay teens were harassed at school and were kicked out or ran away from home after revealing their orientation to their parents.

Some teachers described homosexuality as deviant behavior when presenting the public school curriculum on health and sexuality to their students.

According to unreliable government statistics, there were less than a hundred cases of HIV/AIDS in the country. There was a significant stigma against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers in both entities (except members of the military) to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. However, the BiH government refused to register an umbrella organization of entity-level unions (formed in mid-year) at the state level, which effectively blocked the activity of the principal unions above the entity level.

The law prohibits discrimination by employers against union members and organizers; however, protections against retaliation for union activity were not strong

and discrimination continued. Practical barriers to employees bringing complaints against employers included high unemployment, a backlogged court system, and the large number of workers in the gray economy.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and conduct union activities without interference; however, authorities did not impose sanctions against employers who obstructed union organizing and activity in practice. Some unions reported that employees of private companies were threatened with dismissal if they joined a union.

The right to bargain collectively is provided by law in the RS and in a comprehensive collective bargaining agreement in the Federation. However, collective bargaining in both entities did not involve voluntary direct negotiation between a union and individual employers, but rather work agreements between the government and workers in the public sector. In the Federation, there were no collective bargaining agreements between private employers and unions. In the RS, the general collective bargaining agreement applies to all workers and is negotiated between unions, the government, and employers. This general agreement applies to private companies whether or not their workers are union members. There is no law in the District of Brcko on collective agreements, so workers there effectively did not have the right to bargain collectively.

The law provides for the right to strike and workers exercised this right in practice.

There are no special laws or exemptions from regular labor laws in the country's six export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—Entity labor laws restrict child labor, and the entity government implemented these laws in practice. The minimum age for employment of children in the Federation and in the RS is 15 years; minors between the ages of 15 to 18 must provide a valid health certificate in order to work. The law prohibits children from performing hazardous labor, such as night work. Although child labor was not generally a problem, children sometimes assisted their families with farm work and odd jobs. Romani children often begged on the streets, particularly in larger cities.

Trafficking in children for sexual exploitation and sometimes for labor was a serious problem (see section 5).

Entity governments are responsible for enforcing child labor laws. Neither entity had inspectors dedicated solely to child labor inspections; rather, violations of child labor laws are investigated as part of a general labor inspection. Both entities' labor inspectorates reported that they have not found significant violations of child labor laws in the workplace, although they did not conduct any reviews of children working on family farms.

e. Acceptable Conditions of Work.—The monthly minimum wage in the Federation was \$193 (308 convertible marks) and in the RS the "minimum price of work" used as a base for the salary scale of government employees was \$51 (82 convertible marks); however, neither provided a decent standard of living for a worker and family. Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities to make substantial mandatory contributions to pension and health care funds; as a result, employers often did not officially register their employees in order to avoid paying high social welfare benefits, leaving employees without access to public health care.

The legal workweek is 40 hours; however, seasonal workers may work up to 60 hours per week. The law requires that employers pay overtime to employees. Overtime is limited to 10 hours per week in the Federation with no provision for premium pay; in the RS, overtime is limited to 10 hours and is paid a 30 percent premium, although an employee may volunteer for an additional 10 hours in exceptional circumstances. Federation and RS laws require a minimum rest period of 30 minutes during the work day.

Authorities did not adequately enforce regulations related to acceptable work conditions. While entity labor inspectorates made some effort to enforce registration of employees, they limited most labor inspections to conditions for the officially registered workforce. Since the courts served as the recourse for complaints involving registered workers, the RS labor inspectorate had to submit fines and penalties for court approval; because of court backlogs, this system was not effective, and many workers for practical purposes worked without protections.

The law provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment; however, this right was not effectively enforced in practice.

BULGARIA

Bulgaria is a parliamentary democracy of approximately 7.7 million persons, and is ruled by a coalition government headed by Prime Minister Sergei Stanishev. Multiparty parliamentary elections in June were deemed generally free and fair despite some reported irregularities. While civilian authorities generally maintained effective control of law enforcement officers, there were some instances in which law enforcement officers acted independently of government authority.

The government generally respected the human rights of its citizens; however, there were problems in several areas. The following human rights problems were reported:

- police abuses, including beatings and mistreatment, of criminal suspects, prison inmates, and members of minorities
- harsh conditions in prisons and detention facilities
- arbitrary arrest and detention
- impunity
- limitations on freedom of the press
- some restrictions on freedom of religion
- discrimination against certain religious minorities
- widespread corruption in executive and judicial branches
- violence and discrimination against women, children, and minority groups, particularly the Roma
- trafficking in persons
- discrimination against persons with disabilities
- child labor

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Neither the government nor its agents committed any politically motivated killings; however, there were reports that police killed two persons during the year.

On November 10, Angel Dimitrov died while being arrested in a nationwide operation against organized crime. The chief secretary of the Interior Ministry confirmed early reports that Dimitrov had died of a heart attack. An autopsy, however, showed that he died of a brain hemorrhage caused by severe blows to the head. On December 14, the military appellate prosecutor's office suspended an investigation into Dimitrov's death, citing a lack of evidence of police abuse. According to prosecutors, police used lawful measures to detain a dangerous criminal who was resisting arrest.

On April 16, Yulian Krastev, a 38-year-old homeless man, was found beaten to death in an apartment block in Varna. The prime suspect in the murder was a police officer who lived in the same building. The officer was dismissed from his job and the Varna regional military prosecutor's office launched an investigation, which was ongoing at year's end.

The internal inquiry by the Ministry of Interior (MOI) into the March 2004 fatal shooting by two police officers of a 25-year-old Rom in Plovdiv uncovered no evidence of police abuse, but the officers were transferred to other units of the police directorate. The Plovdiv military prosecutor's criminal investigation into the incident was ongoing at year's end.

During the year 25 persons, including a senior customs official, were killed in social violence reportedly linked to organized crime.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police commonly beat criminal suspects, particularly minorities.

Police often mistreated criminal suspects in police custody, most often during the initial interrogation. Human rights observers charged that police sometimes handled minor offenses by arresting suspects, beating them, and releasing them within a 24-

hour period, so that no judicial involvement was required (see section 1.d.). The Romani nongovernmental organization (NGO) Romani Baht reported receiving complaints of police brutality from Romani victims who were too intimidated to lodge an official complaint with the authorities.

On May 5, two police officers in Pernik reportedly beat Rossen Stoyadinov, a Rom, who was not informed of his rights as a detainee and was forced to confess to thefts (see section 1.d.). Stoyadinov later obtained a medical certificate for the injuries from a local doctor and filed a complaint with the Ministry of Interior.

Human rights groups claimed that medical examinations to investigate police abuses were not properly documented, that allegations of police abuse were seldom investigated thoroughly, and that offending officers were very rarely punished.

At year's end an investigation by the Sofia military prosecutor's office was still ongoing in the case of charges of police brutality stemming from a January 2004 incident in which two Sofia police officers unleashed their dog on Assen Zarev, a Rom, after questioning him about the whereabouts of another person. The officers reportedly beat Zarev and threatened to shoot him. An internal inquiry conducted by the MOI found no abuse of authority on the part of the police officers.

The appeal of two police officers was ongoing at year's end following their May sentencing by the Plovdiv military court for their role in the March 2004 beating of 22-year-old detainee Boris Daskalov. The court gave two of the police officers involved 18-month suspended sentences, and fined their direct supervisor. In April 2004 the MOI inspectorate confirmed that the police officers had exceeded their powers, and seven police officers received disciplinary sanctions for the incident.

Prison and Detention Center Conditions.—Prison conditions generally did not meet international standards; however, the government undertook some steps to improve the situation.

Conditions in some prisons remained harsh and included overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation.

NGO prison monitors reported that brutality by prison guards against inmates continued to be a problem. There were also reports of brutality among inmates. Prisoners had the right to report substandard conditions or mistreatment to prison authorities; however, NGO observers complained that the process for submitting complaints did not function effectively.

Overcrowding remained a problem, although the Ministry of Justice reported a slight decrease in the prison population following the introduction of a probation system. There were 11,324 prisoners in the country's twelve prisons, a figure estimated by the Ministry of Justice to exceed by three times the capacity of the prison system. NGOs received complaints from prisoners about the quality and quantity of food they were served.

Despite some infrastructure improvements that were carried out during the year most prisoners continued to share toilets and had infrequent restroom access. Many detention centers were in basements with little or no access to sunlight.

There were 1,039 detainees in the country's 51 detention centers. The detention facilities system operated below capacity, according to data from the MOJ. The government installed ventilation systems in 31 of the centers to improve airflow.

The government generally permitted independent monitoring of prison conditions by independent observers.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, there were reports of infringement of these provisions by police.

Role of the Police and Security Apparatus.—The MOI is responsible for oversight of internal law enforcement including activities of the National Police, the National Service for Combating Organized Crime (NSBOP), the National Security Service (civilian domestic intelligence), the National Gendarmerie Service (paramilitary police), and the Border Police. Public order services, such as the National Intelligence Service and National Bodyguard Service, were directly subordinate to the president and were not subject to adequate judicial, executive, or legislative oversight of their activities or budgets.

A survey of the Center for Study of Democracy (CSD) published in March found that a significant percentage of crimes committed in the country are not reported to the police. Although respondents offered varying reasons for not reporting the crimes, the most cited were the lack of confidence in police competence, dislike of police, and fear of reprisal.

The MOI reported that 214 complaints of police corruption were submitted in writing or to its hotline from January to November. As a result, 49 officers were fired and 105 administratively censured through November. During the same period 16 officers were referred to the military prosecution service for prosecution. MOI in-

vestigations of criminal acts committed by police resulted in six extortion convictions in 2004.

Impunity remained a problem; lack of accountability inhibited government attempts to address police abuses. Human rights groups claimed that the structure of judicial authority represented a serious obstacle to the accountability of law enforcement officers for alleged human rights abuses. All complaints involving MOI and other police forces are required to be heard through the military court system. The Sofia Military Appellate Court is the court of final appeal for cases involving MOI personnel. NGOs claimed that this separate court system encouraged a latent bias in favor of police and resulted in halfhearted prosecutions by military prosecutors who were not eager to see their colleagues punished.

Human rights-related training is mandatory at the police academy and officers' schools.

On July 28, a disagreement over wages between a farm owner and a Romani employee led to a brawl in Kozloduy that resulted in the hospitalization of 10 persons. Human rights groups claimed that the four police officers who witnessed the incident did not undertake the necessary actions to terminate the disorder.

Arrest and Detention.—Although warrants are not always required for arrest, police normally obtained them from a prosecutor prior to apprehending an individual. If the person is released within 24 hours without being charged, no judicial involvement in the case is required (see section 1.c.). Some human rights groups claimed that police abused this provision by arbitrarily detaining persons, particularly Roma, but releasing them within 24 hours; however, such complaints were much less frequent than in previous years. Persons could be detained for no more than 24 hours at the request of an investigator or police officer; however, detention could last for up to 72 hours without charge if ordered by a prosecutor.

The law provides for bail, and it was widely used.

Although the law provides for access to legal counsel from the time of detention, a 2004 survey by the Bulgarian Helsinki Committee (BHC) found that 11 percent of detainees did not have counsel at the pretrial stage. Legislation expanding access to legal aid for low income defendants in criminal cases was adopted in September, although questions remained about the proposed program's implementation and funding.

Detainees were generally informed promptly of the charges against them. However, on May 5, two police officers in Pernik arrested Rossen Stoyadinov, a Rom, for 24 hours after requesting that he accompany them to the police station without informing him of the charges against him (see section 1.c.).

Although the government generally observed the statutory limit of one year for pretrial detention or two years in the case of the most serious crimes, there were a few violations due to a backlog of cases. In the event of a conviction, time spent in pretrial detention was credited toward the sentence.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the effectiveness of the judiciary was hampered by corruption, inefficiency, and a lack of checks and balances.

Although many serious systemic flaws remained, observers noted modest improvement in the efficiency of moving cases through the criminal system. Long delays in trials were common, and investigators and police continued to struggle with a large backlog of outstanding investigations.

The court system consists of regional courts, district courts, appellate courts, military courts (on the district and appellate levels), the Supreme Cassation Court, and the Supreme Administrative Court. The Constitutional Court, which is separate from the rest of the judiciary, is empowered to rescind legislation that it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers among the various branches of government. The procedural codes determine which court hears a particular case.

In October the government adopted a revised criminal procedure law to address problems of judicial coordination, but the law did not take effect before year's end.

Questions remained about the vast authority of the chief prosecutor's office, the immunity of magistrates, and the structure of the Supreme Judicial Council.

Corruption in the judiciary was a problem. Many observers believed that reforms were essential to establish a fair, impartial, and efficient judicial system.

Trial Procedures.—The law stipulates that all courts conduct hearings in public unless the proceedings involve state security or national secrets, and authorities generally respected this provision. Defendants have the right to know the charges against them, to have government-provided legal representation in specified cases, and to be given ample time to prepare a defense. The participation of a defense attorney is mandatory if the crime incurs a punishment of at least 10 years in prison,

or if the defendant is a juvenile, a foreigner, a person with mental or physical disabilities, or is not present. Many cases requiring a government-provided defense attorney were considerably delayed by the lengthy process of procuring private attorneys willing to be reimbursed at low rates. Defendants in criminal proceedings have the right to confront witnesses and to examine evidence, and to present their own witnesses and evidence. The law provides for the right of appeal, which was used widely.

Defendants have the right to be present at trial. Juries are not used, although cases involving more serious crimes are heard by one judge and two assessors or lay judges, who are ordinary citizens chosen to serve as representatives of the public. If the crime entails a punishment of more than 15 years in prison, the panel consists of two judges and three assessors. The verdict is determined by majority vote of the panel.

Military courts handle cases involving military personnel (including MOI personnel) and certain national security matters. As a part of the judiciary, military courts are independent from the military and provide the same rights as the civilian courts. Military prosecutors also investigate allegations of crimes committed by police officers.

Political Prisoners.—There were no reports of political prisoners.

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

In August Sofia municipal officials, with the assistance of police, demolished the homes of several Romani families in the Hristo Botev neighborhood who lacked titles to the land and legal registration for the houses (see section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. There were reports, however, that journalists were threatened and intimidated by individuals with political interests. NGOs reported that significant numbers of journalists practiced self-censorship due to political influence, and to pressure from management and organized crime. Some journalists allegedly accepted payments in return for positive coverage of politicians, prominent businessmen, and organized crime syndicates.

Individuals criticized the government freely without reprisal, and the government did not attempt to impede criticism.

A variety of newspapers were published freely by political parties and other organizations representing the full spectrum of public opinion.

In an open letter to the prime minister in early June 2004, 266 judges criticized the manipulation of the media by MOI officials. The prime minister responded on June 14 by reaffirming the importance of the independence of the judiciary and encouraging direct dialogue, rather than media campaigns, as a solution to the problem. Domestic organizations cited politically motivated intimidation and dismissal of journalists as a major problem.

Defamation is punishable under the law. In most cases the courts defined libel and interpreted the law in a manner that favored journalistic expression. Fines for libel ranged from approximately \$1,875 (3,000 leva) to approximately \$6,250 (10,000 leva); fines for slander ranged from approximately \$3,125 (5,000 leva) to \$9,375 (15,000 leva). Although observers noted a slight increase in the number of defamation suits brought against journalists in recent years, only a small number of cases resulted in the journalist being fined. The majority of defamation cases were brought against reports about corruption or mismanagement, and the most frequent plaintiffs were government officials or other persons in public positions.

On September 1, in the town of Vratsa, unknown persons set on fire the local office of the largest circulating national daily newspaper, *Trud*. The incident followed a threat against *Trud's* local correspondent, who had reported on government contracts given to a local businessman alleged to have links to organized crime.

There were no developments in the investigations into threats against newspaper *Naroden Glas*, news agency De Facto, or national daily newspaper *24 Hours* in 2004.

Television and radio provided a variety of news and public interest programming. Although state-owned media presented opposition views, media observers believed that the inadequacy of existing legislation left state-owned media vulnerable to government pressure. Despite this vulnerability, Bulgarian Telegraph Agency (BTA), the state-owned news agency, was generally regarded as unbiased, and the state-owned Bulgarian National Radio (BNR) was often one of the most outspoken critics of the government and its policies.

The Council for Electronic Media (CEM) was unable to promulgate new licensing procedures because the National Assembly did not approve the strategy for developing radio and television activities until September, despite the 2002 passage of legislation requiring CEM to issue radio and television programming licenses only in accordance with the strategy. The CEM was forced to deny at least 20 applications in 2004. It was not clear when the government would resume licensing electronic media. Although the CEM could not initiate new tenders for television and radio programming licenses, it was still able to regulate programming and to transfer, amend, revoke, and terminate such licenses.

On February 18, the Supreme Administrative Court reversed its own 2004 decision and confirmed the CEM's March 2004 firing of BNT Chairman Kiril Gotsev for his 2002 decision not to allow a televised rebuttal to comments made in a political talk show. The court held that Gotsev's decision not to air the rebuttal gravely violated the affected party's freedom of expression and limited its right to defend its reputation.

In 2004 the CEM noted 71 infringements of the radio and television act: 55 by television operators and 16 by radio operators. The CEM fined 34 of these operators for violations that were considered serious, including violating the right to free expression of opinion, violating source confidentiality agreements, and airing programs that promote discrimination on the basis of race, ethnicity, and national origin.

On April 7, the Ruse district court repealed the December 2004 sentence imposed on Romanian TV journalist George Buhnici for having used a microphone and a camera hidden in his glasses to film illegal cigarette trade at the Bulgarian-Romanian border. The court cited procedural violations and returned the case to the district prosecutor.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

In October, however, the European Court of Human Rights (ECHR) held that the country had violated the right of its citizens to peaceful assembly by dispersing demonstrations and denying registration as a political party to the Macedonian activist group Ilinden. This group was prevented from holding peaceful meetings from 1998 to 2003, and Bulgarian courts refused it legal registration three times on the grounds that it was a separatist group whose statute and program were directed against the unity of the nation. The government had not taken action on the ECHR ruling by year's end.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice. The law prohibits groups that endanger national unity or promote and incite racial, national, ethnic, or religious hatred, violate the rights of citizens, or seek to achieve their objectives through violent means. The government generally respected the rights of individuals and groups to freely establish their own political parties or other political organizations.

The law prohibits the formation of political parties along religious, ethnic, or racial lines and prohibits citizens' associations from engaging in political activity. In practice this prohibition did not restrict political participation by ethnic minorities. The law requires all electoral campaigning to be conducted in the Bulgarian language. Several political groups complained that this law was arbitrarily applied during the parliamentary election campaign this year.

In April a new law took effect that obliged all existing parties to reregister by year's end and introduced a five-thousand-person membership requirement, which was expected to result in a substantial decrease of the number of registered political parties (see section 3).

c. Freedom of Religion.—Although the law provides for freedom of religion, the government restricted this right in practice for some religious groups. The law designates the Bulgarian Orthodox Church (BOC) as the "traditional" religion and the government provided preferential financial support to it, as well as to several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths. The law prohibits the public practice of religion by groups not registered through the court system.

In June the ECHR granted an accelerated hearing to the Alternative Synod, which had filed a complaint alleging that in 2004 the government improperly intervened in an internal church dispute. The case was pending in the ECHR at year's end, as were several smaller cases in Bulgarian courts involving property disputes between the Orthodox Church and the Alternative Synod.

The law requires religious groups to formally register with the Sofia City Court if they wish to operate and be recognized as legal entities, or to worship in public.

The religious confessions law, passed in 2002 and in effect since 2003, shifted responsibility for registration from the Religious Confessions Directorate of the Council of Ministers to the courts in an effort to remove political influence from the process. Groups that had previously registered with the government did not have their registrations transferred; they were required to reregister in the court. The requirements of registration and re-registration include submitting a statement of the denomination's beliefs. The BHC has expressed concern that the requirement for groups to submit a statement of beliefs when applying for registration or re-registration constitutes an infringement on their freedom of religion. The law specifically exempts the Bulgarian Orthodox Church from registration.

The Religious Confessions Directorate provides "expert opinions" on registration matters upon the court's request. Only once, for the 2003 application of the Ahmadi Muslim Organization of the Muslim Ahmadi Community, had the directorate issued an advisory opinion that resulted in the rejection of registration for a denomination.

Although the law does not require local formal registration, some local branches of nationally-registered denominations experienced problems with local authorities who insisted that the branches be registered locally.

The number of religious groups registered with the court increased from 36 in 2003 to 61 in February.

Jehovah's Witnesses reported that police in several towns issued warrants to members of the denomination who were attempting to proselytize. On June 12, the deputy mayor of Plovdiv fined Hans Amon, a Jehovah's Witness member, for violating the local decree on public order by distributing brochures with religious content. The group also reported that its places of worship in Burgas were vandalized several times during the year by large rocks thrown through the windows.

On May 11, the Sofia City Court attempted to settle a two-year dispute over leadership of the country's Muslim community by formally registering Mustafa Alish Hadji as chief mufti. Rival Islamic leader Nedim Gendzhev filed an appeal, and in December the Sofia appellate court ordered Gendzhev's registration as leader of the Muslim community. The decision had not been enforced by year's end. Many observers criticized the court procedure as opaque and politically influenced. A number of religious groups reported that foreign missionaries and religious leaders experienced difficulties in obtaining and renewing residence visas in the country because the law does not provide for a separate visa category for travel related to religious purposes. Some missionaries have resorted to entering the country on tourist visas, which limit the length of their visits to no more than 30 days every 6 months.

The Jewish community, the Muslim community, the Catholic Church, and some Protestant denominations claimed that a number of their properties confiscated under the Communist government had not been returned. A central problem facing restitution claimants was the need to demonstrate that the organization seeking restitution was the same organization—or the legitimate successor of the organization—that owned the property prior to 1944. This was difficult because Communist hostility to religion led some groups to hide assets or ownership and because documents had been destroyed or lost over the years.

In July the Supreme Cassation Court ruled against the Jewish community in its long legal battle to reclaim a high-value property in central Sofia built on the site of a former Jewish school. Previous court decisions had held that the organization representing the Jewish community was unable to establish its organizational lineage back to the original owners of the property. In contrast, the July ruling acknowledged the community's lineage but held that the expropriation procedure was properly executed by the Communist government at the time of the property's nationalization in the 1960s, and that the community was not legally entitled to any further compensation. Both foreign and domestic observers expressed concern about possible manipulation of the judicial process, and the Jewish organization Shalom filed a new request for special judicial review, which was pending before the Supreme Cassation Court at year's end.

Societal Abuses and Discrimination.—Relations among the major religious communities generally were amicable; however, discrimination, harassment, and general public intolerance of nontraditional religious groups remained an occasional problem. Human rights groups reported that societal discrimination against nontraditional religious groups gradually lessened over the last few years.

The country's small Jewish community became a target of the extremist political party Ataka, which employed anti-Semitic rhetoric during the parliamentary election campaign. Both the newspaper launched by Ataka in October and the group's website contained anti-Semitic material.

Police arrested three teenagers who had admitted desecrating over 100 Turkish graves in Haskovo on April 8. The three youths, who have acknowledged an interest

in the skinhead movement, were reportedly intoxicated when they decided to vandalize the cemetery. The investigation was ongoing at year's end.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it in practice.

Internally Displaced Persons (IDPs).—Flooding during the summer months caused the displacement of approximately five thousand persons when their homes were destroyed or rendered uninhabitable. The poor were disproportionately affected due to their socioeconomic vulnerability. The government worked with NGOs and other governments to provide assistance to those who were displaced, but many persons remained displaced at year's end.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government provided some protection against *refoulement*, the return of persons to a country where they feared persecution; however, the UN High Commissioner for Refugees (UNHCR) and NGOs, including the BHC, expressed concern over the government's handling of claims for refugee and asylum status and reported that there may have been cases in which possible bona fide refugees were turned away at the border. The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

The government also provided temporary protection to persons who may not qualify as refugees under the 1951 convention and 1967 protocol. This protection, known under Bulgarian law as "humanitarian status," was provided to 78 persons during the year.

The law requires that persons seeking refugee status request and file an application within 72 hours after entering the country legally.

The UNHCR, in cooperation with the International Organization for Migration (IOM), operated three transit centers near the Greek, Turkish, and Romanian borders to interview refugee applicants and assisted the government with a small reception center in Banya.

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.—On June 25, general parliamentary elections were held, with the Bulgarian Socialist Party (BSP) winning a plurality of the votes. Despite scattered reports of irregularities, the elections were widely deemed free and fair.

The extreme nationalist party Ataka surprised observers by winning nearly 9 percent of the vote, higher than experts had predicted. The newly formed party capitalized on negative stereotypes of Roma and other minorities to attract a base of support from diverse segments of the electorate. Ataka's campaign, which included anti-minority statements, publications, and television broadcasts, was paralleled by a series of small but sometimes violent clashes involving Roma and ethnic Bulgarians.

The law prohibits the formation of political parties along religious, ethnic, or racial lines and prohibits citizens' associations from engaging in political activity. In practice, this prohibition did not restrict political participation by ethnic minorities, and political parties representing minority groups were active on the local and national level. The law requires all electoral campaigning to be conducted in the Bulgarian language. Several political groups complained that this law was arbitrarily applied during the parliamentary election campaign this year (see section 2.b.).

In April a new law took effect obliging all existing parties to reregister by year's end and introducing a five-thousand-person membership requirement, which observers expected to result in a substantial decrease in the number of registered political parties (see section 2.b.).

There were 51 women in the 240-seat National Assembly. A number of women held elective and appointive office at high levels in the government, including one deputy prime minister and two other ministers. Women also held key positions in the National Assembly, including one deputy speaker and the chair of one of the

24 standing committees. The leader of one of the seven parliamentary groups was a woman.

There were 31 members of minorities in the 240-seat National Assembly, of whom 28 were ethnic Turkish, 1 was Romani, and 2 were ethnic Armenian. There were three ethnic Turkish ministers in the cabinet and 2 Romani deputy ministers. While the ethnic Turkish minority was well-represented, Roma were underrepresented, particularly in appointed leadership positions. Pomaks held elected positions at the local level.

In the 2003 local elections, 3 percent of municipal councilors elected were Romani, and advocacy groups reported that a considerable number of Romani mayors also were elected. The National Association of Municipalities reported that Muslim candidates accounted for 12.5 percent of municipal mayors and 15.2 percent of municipal councilors elected in 2003. Over 300 political parties were registered, including a number of predominantly Romani and ethnic Macedonian parties.

Government Corruption and Transparency.—Widespread public concern over government corruption deepened throughout the year, according to NGOs.

The interministerial anticorruption commission was responsible for coordinating government efforts to fight public corruption and engaging in public awareness campaigns, although business representatives criticized the commission as ineffectual. The commission received approximately 200 complaints of corruption during the year, and referred about 10 percent of them to the prosecution office for further action.

In November the Ministry of Interior launched an investigation into alleged corruption at the Customs Agency, resulting in the resignation of a senior customs official.

While the government implemented several measures to fight corruption, the European Union (EU) reported that corruption remained a problem and noted that renewed efforts were needed to combat it, particularly for high-level corruption. In its October report on the country's progress on accession to the EU, the European Commission highlighted limited progress in the area of organized crime and corruption. The report noted the failure of authorities to obtain a single significant conviction for high-level corruption in recent years, despite widespread awareness of the scale of the problem.

NGO and media observers alleged that links between criminal groups and corrupt law enforcement officials had compromised effective law enforcement.

The law provides for public access to government information; however, in practice the government often restricted such access. In 2004 the NGO Access to Information Program reported approximately 140 cases in which government institutions denied access to information. The Supreme Administrative Court reviewed more than 20 appeals of denials in the first half of the year.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year.

After a one-year delay and two failed attempts, the National Assembly appointed the country's first national ombudsman in April. By law the ombudsman receives and reviews complaints filed by individuals of rights or freedoms abridged by government institutions. The ombudsman can request information from state authorities, act as an intermediary in resolving disputes, make proposals for terminating existing practices, and refer information to the prosecution service. At year's end, however, the institution was not yet functional and did not have an office. NGOs criticized the lack of guarantees for the efficiency and impartiality of the ombudsman's office and called for strengthening the legal framework of the office, through constitutional amendments if necessary.

The law provides for the establishment of a nine-member antidiscrimination commission with powers to receive and investigate complaints, issue rulings, and impose sanctions. In April the National Assembly appointed members of the national antidiscrimination commission; at year's end, however, the commission was not functioning.

The ECHR passed 20 sentences against the country during the year, compared to 25 in 2004. The court has awarded citizens over \$240 thousand (200 thousand euro) in compensation for damages suffered as a result of the government denial of fair trial, unreasonably slow judicial process, inadequate prison conditions, mistreatment of detainees or prisoners, and other restrictions of liberty. Between taking

office in August and the end of the year, the government paid over \$132 thousand (110 thousand euro).

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

The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued to occur, particularly against women, practitioners of nontraditional religions, sexual minorities, and ethnic minorities such as the Roma.

The government took steps during the year to implement administrative provisions of the 2004 antidiscrimination law, but progress was slow. A number of potentially groundbreaking court rulings against discrimination were issued under the new law, but questions remained about implementation and the outcome of possible appeals.

Women.—Domestic violence was a serious problem according to NGOs. Although there were no precise statistics on its occurrence, police believed that one of every four women had been a victim of domestic violence. Courts and prosecutors tended to view domestic abuse as a family matter rather than a criminal act. As a result, police often were reluctant to intervene in cases of domestic abuse, even if a woman sought police protection or assistance.

In March the parliament adopted the protection against domestic violence act, almost two years after the bill was introduced for review. The law defines domestic violence as any act or attempt of physical, psychological, or sexual violence against members of one's family or between cohabitating persons. Before passage of this act, domestic violence could only be prosecuted under the criminal law prohibiting bodily harm. The new civil law empowers the court to impose fines, place restraining orders, order eviction, and mandate special counseling. Approximately 100 such injunctions were issued under the new law during the year.

The government did not provide shelter or counseling for women. By year's end, the Bulgarian Gender Research Foundation reported having trained over 300 police officers and judges on the provisions of the new domestic violence law.

Police and social workers actively referred victims of domestic violence to shelters. In Sofia the NGO Nadya Center provided shelter to battered women, and the NGO Animus Association Foundation (AAF) operated a crisis center that provided short-term emergency shelter for female victims of violence. There were also 15 crisis centers around the country operated by local NGOs that provided assistance to female victims of violence. The AAF reported that it periodically received client referrals from the police.

The AAF operated a 24-hour hot line for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The hot line also provided volunteers to assist victims in obtaining other necessary services including medical exams and treatment, reissued identity documents, and information on housing and employment opportunities.

The law criminalizes rape, which was underreported because of the stigma that society attached to the victim. Spousal rape, though not specifically addressed in the law, can be prosecuted under the general rape statute; however, it was rarely prosecuted in practice. Sentences for rape range between 2 and 8 years in prison, and between 3 and 10 years in prison if the victim is a descendent relative. In cases where rape results in serious bodily injury or suicide of the victim, sentences range between 10 and 20 years' imprisonment. The government generally enforced laws against rape, and sentences tended to conform to statutory guidelines. According to NGOs, the social taboo experienced by rape victims discouraged them from reporting the crime and was a far more serious obstacle to prosecution than police reluctance to investigate.

Prostitution is legal and was commonly practiced; however, a variety of activities associated with prostitution, such as pimping, are illegal. Forced prostitution is illegal and remained a serious problem. Poor socioeconomic conditions contributed to a disproportionately higher number of Romani women engaged in organized prostitution.

Trafficking in women was a serious problem (see section 5, Trafficking).

Sexual harassment is prohibited under the 2003 antidiscrimination law, which also outlines the process for redress. Sexual harassment was a widespread problem, and the government did not effectively enforce provisions of the country's antidiscrimination law forbidding it. A survey conducted by the Agency for Social Research (ASR) in 2002 found that approximately 40 percent of women had suffered sexual harassment in the workplace. During the year the former chief of the Plovdiv sanitary control inspectorate was charged with coercion, which is punishable by up to six years' imprisonment, for allegedly threatening to dismiss two of his female

subordinates for declining his sexual advances. The criminal case was under review by the court at year's end.

Under the law women enjoy the same rights as men, including under family and property law, and in the judicial system; however, women faced some discrimination in terms of job recruitment. In November 2004 a national council on equality between women and men, headed by the Minister of Labor and Social Policy, was established under the Council of Ministers to ensure that the rights of women were being protected. Primarily a consultative body, the council is charged with promoting cooperation and coordination among NGOs and government agencies. In November the government adopted a national plan for equal treatment of men and women, which the council had developed over the course of the year.

Women experienced some economic discrimination. According to an International Labor Organization (ILO) survey published in 2004, women's salaries in the private sector were 24 percent lower than men's.

The Ministry of Labor and Social Policy (MLSP) operated a number of programs to address economic discrimination and integrate women into the mainstream of society and the economy.

Children.—The government generally was committed to protecting children's welfare; however, government efforts in education and health were constrained by serious budgetary limitations and by outmoded social care structures.

The law provides for compulsory public education until the age of 16; however, the government did not effectively enforce attendance requirements. Although public education was free through the twelfth grade, children were required to pay for books, which was a problem for poor families.

The UN Children's Fund (UNICEF) reported that net school attendance from 2000 to 2004 was approximately 90 percent. Most students completed some secondary school. During the year a Ministry of Finance study found that 40,000 students dropped out of school during the 2004–2005 academic year, compared to 31,552 in the previous year. The study reported that children primarily left school because of low household income, parental lack of interest, lack of motivation, or immigration. The number of school dropouts was highest in the regions with a large Romani population.

Romani children generally received an inferior quality of education. Romani children generally attended separate schools from ethnic Bulgarian children, partly due to a legacy of segregation and official discrimination. Government figures for the year indicated that 30 percent of Romani students attended completely segregated schools. Nearly 10 percent of Roma had never attended school, and less than 1 percent had a university degree.

In October a Sofia court found the city guilty of discrimination based on its failure to provide equal educational opportunities to Romani children, many of whom attended Sofia's three ethnically segregated Roma schools. The government's appeal of the ruling was pending at year's end.

Conditions for children in state institutions were poor. Social prejudice against children with disabilities led families to institutionalize these children. The provisions of a 2003 national action plan on children in institutions have led to an annual decline in the number of child wards. By the end of July, 9,525 children were housed in institutions, down from 10,284 in December 2004. Human rights monitors sharply criticized the serious deficiencies in government-run institutions, including orphanages, educational reform boarding schools, facilities for children with mental disabilities, and shelters for homeless children. Inadequate budgets, poorly trained or unqualified staff, and insufficient oversight plagued these facilities. Standards of hygiene and access to medical care were poor.

On October 19, a five-year-old blind child died from hot water burns sustained while left unattended in the bathroom of an institution for children with disabilities in Dobromircei. A police investigation into staff negligence was ongoing at year's end, and the Ministry of Labor and Social Policy was preparing to carry out its stated intention to close the facility.

According to NGOs, living conditions in reform boarding schools run by the Ministry of Education and Science remained poor, offering few medical, educational, or social services (see section 1.e.). At most of these institutions, the government failed to provide for residents' needs for food, clothing and teaching materials. Mixed-age classes and low levels of staff motivation considerably impaired the teaching process. However, due process procedures for juveniles in these institutions improved.

Violence against children was a problem. The National Statistical Institute (NSI) reported 849 cases of child abuse in 2004, a decrease of 15 percent since 2003. The government removed children from abusive homes and prosecuted abusive parents. During the year an awareness campaign funded by UNICEF drew public attention to the problem of child abuse.

Although no official statistics were available, the State Agency for Child Protection (SACP) reported that child marriage was relatively uncommon nationwide but prevalent in the Romani community. The SACP also voiced its concern that arranged marriages, a traditional aspect of Romani culture, were resulting in trafficking in persons. Between 2003 and 2004 the government discovered four cases of parents selling their daughters into arranged marriages in other countries. There were media reports of “markets” for underage Romani brides in some areas of the country.

The MOI identified 398 children as “at risk” of being forced into prostitution during the first nine months of the year, compared to 510 in 2004. Child prostitution reportedly was particularly common among Romani girls; there were no known cases of boys engaged in prostitution.

Trafficking in children was a problem (see section 5, Trafficking).

Widespread poverty led many Romani children to turn to begging, prostitution, and petty crime on the streets. There were reports of child smuggling rings paying Romani women for babies that were later sold to couples in Western Europe. Police launched 17 investigations in the Burgas and Peshtera areas in connection with the reports, all of which were ongoing at year’s end.

In December 2004 the SACP reported that 625 children were known to be either living or working on the streets and were primarily involved in begging, prostitution, or car window washing; approximately 400 of these children were believed to be exploited for labor by adults, although experts believed that actual figures were higher. There were reports that approximately 225 children lived and worked on the streets without the involvement of a trafficker, pimp, or other third party. Many of these children had been abandoned by their parents or sent by their families to urban areas to seek work. The NSI reported a 68 percent increase from 2003 to 2004 in the number of children registered by police for vagrancy and begging: 1,785 children in 2004, compared to 1,059 in 2003. As part of the national strategy for street children, SACP continued implementing the programs it initiated in 2003 to address the situation of street children. One of these programs included putting street children in protective custody. In the first nine months of the year, the MOI placed 274 children involved in begging and vagrancy in five special shelters for street children; in 2004 496 such children were sent to these shelters. The shelters were intended to serve more as immediate protective resources than facilities for long-term or intermediate care. They provided food, bathing facilities, and basic medical care, but children were usually not kept for more than 24 hours unless remanded to protective custody by the special order of a prosecutor.

Child labor was a problem (see section 6.d.).

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking was a serious problem. The country remained primarily a point of transit, and to a lesser extent, of origin and destination, with most victims trafficked for the purpose of sexual exploitation. Police reported an upward trend in the number of persons being trafficked from the country. A number of individual law enforcement officers and other government authorities were reportedly involved in trafficking.

The punishment for trafficking in persons includes prison terms of 1 to 8 years and fines up to approximately \$5,000 (8,000 leva). Aggravated circumstances increase the penalties to up to 15 years in prison and fines of up to approximately \$12,500 (20,000 leva), and the court may confiscate the trafficker’s assets. A variety of additional laws may be used to prosecute persons for activities often associated with trafficking, such as inducement to prostitution. Law enforcement officers complained that because the minimum penalty for trafficking is less than five years’ imprisonment, the law does not permit them to fight trafficking with special investigative techniques, such as wiretapping.

The International Organization for Migration (IOM) reported that it had identified and assisted 621 victims of trafficking between January 2000 and December 2004. The actual number of cases may be much higher. Police reported dismantling at least 6 trafficking rings and arresting 13 alleged traffickers during the first 9 months of the year. There were 11 trafficking convictions during the first half of the year. In 2004 the government conducted 3,347 investigations into trafficking-related crimes, resulting in 2,273 prosecutions, 1,347 convictions, and 900 sentences entered. Of these only 24 persons were prosecuted under the trafficking provisions, resulting in 4 convictions.

Two police units, one within the National Border Police and the other within the NSBOP, specifically addressed the problem of trafficking. The government participated in multinational antitrafficking activities, particularly within the Southeast Europe Cooperation Initiative (SECI). In January the parliament adopted an amendment permitting the extradition of citizens for crimes committed abroad, including trafficking.

The NSBOP and IOM reported that victims came from within the country, as well as from Romania, Moldova, Russia, Ukraine, and the countries of central Asia. The destinations of victims trafficked from and through the country were Greece, Turkey, the Czech Republic, Poland, Macedonia, Kosovo, and the countries of Western Europe. Victims overwhelmingly were women and girls trafficked for the purposes of sexual exploitation. Young women between the ages of 18 and 24, with less education, and with problematic family relations were most vulnerable to being trafficked, according to NGO and government sources. Minorities, particularly Roma, and women working in the sex industry were also at particular risk. The IOM reported that 34 percent of the victims it assisted in 2004 were Roma. According to the IOM and AAF, there were also cases of trafficking in male children.

Girls and young women were often approached by persons who gained their trust, frequently other young women and acquaintances, who described glamorous work opportunities abroad. Some were sold into bondage to traffickers by relatives. Unaccompanied young women trying to cross the border into Macedonia, Romania, or Turkey reportedly were at risk of being abducted into trafficking. In larger cities, organized crime groups were often responsible for trafficking, although they used various front companies to pose as employment agencies, escort and intimate services businesses, or tour operators. Small crime groups and freelance operators monopolized trafficking in smaller cities and towns.

According to AAF, the process of transforming victims into prostitutes generally took place before they left the country. Victims typically were taken to a large town, where they were often kept for weeks, isolated, beaten, and subjected to severe physical and psychological torture to make them more submissive before they were transported to their destination points. Once the victims left the country, their identity documents were routinely confiscated, and they found themselves forced to work as prostitutes in cities across Europe. The victims could be required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in indentured servitude. Traffickers punished victims severely for acts of disobedience and threatened the victims' families and family reputations to ensure compliance.

Some law enforcement officers or other government authorities, including local authorities and customs officials, allegedly facilitated human trafficking, although there was no evidence of a pattern of official complicity. Officials often accepted bribes to ignore trafficking, although some officers may have been more involved. Those involved in facilitating trafficking overwhelmingly were low-level, low-paid officials in the rural and border regions.

In January the national antitrafficking commission, the primary coordination and policy-making body for trafficking issues, held its second meeting, formally adopting a national antitrafficking strategy. As of year's end, however, the commission had not met regularly, appointed a functioning secretariat, or established the regional antitrafficking commissions foreseen by the national strategy. The witness protection legislation adopted in November 2004 had not been implemented fully by year's end because of insufficient funding.

In association with NGOs, the government conducted trafficking awareness programs for law enforcement personnel and consular officers posted to Bulgarian embassies, addressing both the legal provisions relating to trafficking in persons and medical and psychological treatment for trafficking victims. The IOM continued a trafficking awareness campaign begun in 2000, which has developed several regional networks of police, prosecutors, and concerned NGOs to raise awareness of trafficking. The program included a referral mechanism to provide protection and assistance to returning victims. The government made available to the IOM several local shelters and safe houses where the IOM provided free housing, protection, and reintegration assistance to victims, including those willing to testify in the prosecution of traffickers. The government also supported the information campaigns organized by local and international NGOs. During the year the IOM reported sheltering approximately 100 women and girls, and the AAF sheltered 53 women.

The AAF operated a 24-hour hot line for women in crisis that received 142 calls regarding trafficking of women and children during the year.

Persons with Disabilities.—Although the law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, the government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and public works projects had taken this into account; however, enforcement of this law lagged in existing, unrenovated buildings. A 2002 survey by the Center for Inde-

pendent Living (CIL) found that approximately 82 percent of public buildings were inaccessible to persons with disabilities.

Conditions in institutions for persons with disabilities were poor. NGOs reported that staffing problems, particularly on night shifts in institutions for adults, posed significant risk to residents, whose primary complaints were of mistreatment and theft by staff.

On June 30, 24-year-old Ivailo Vakarelski was found beaten and strangled to death in the state psychiatric hospital in Karlukovo. At year's end the hospital authorities had reportedly neither conducted an internal investigation nor performed a postmortem exam, which is generally mandatory in such cases.

The investigation into the 2003 case of a patient reportedly strangled to death by another patient at the Podgumer social institution for adults with disabilities was terminated three months after the incident because police were reportedly unable to collect sufficient evidence.

Laws existed to promote the hiring and employment of persons with disabilities; however, the government's enforcement of these provisions was poor, and some provisions resulted in employer discrimination against persons with disabilities in the hiring process. An overwhelming majority of persons with disabilities were unemployed.

Persons with mental and physical disabilities, including very young children, were often separated from the rest of society; the segregation of children with disabilities into special schools lowered the quality of their education. According to the MLSP, over 2,500 children with disabilities did not attend school; however, according to the CIL, the number may have been twice as high. The MLSP operated 28 institutions for children and youths with disabilities throughout the country. MLSP reported 1,362 children in these institutions. NGOs complained about poor conditions in these institutions despite slight improvements during the year (see section 5, Children).

National/Racial/Ethnic Minorities.—Societal discrimination against the Roma and other minority groups increased during the year, occasionally resulting in incidents of violence between the members of the ethnic Bulgarian majority and ethnic Romani minority.

According to a 2001 census, non-Muslim ethnic Bulgarians made up 86 percent and ethnic Turks 9 percent of the population. Although the Roma were officially estimated to comprise 4.6 percent of the population, their actual share was more likely between 6 and 7 percent, according to a 2002 Council of Europe report that counted 600 thousand to 800 thousand Roma in the country. Ethnic Bulgarian Muslims, often termed Pomaks, are a distinct group of Slavic descent whose ancestors converted from Orthodox Christianity to Islam; they constituted 2 to 3 percent of the population.

Although there were no reports of lethal police assaults on Roma, police harassed, physically abused, and arbitrarily arrested some Roma, and reports of police harassment and torture were documented (see section 1.d.). The government made little progress was made in resolving cases of police violence against Roma. Human rights groups complained that magistrates sometimes failed to pursue crimes committed against minorities.

On August 1, inflammatory anti-Roma leaflets were distributed following a violent altercation between ethnic Bulgarians and Roma in Pleven on July 30. Ethnic Bulgarian residents of the Storgozia area in Pleven unsuccessfully asked city officials to evict Romani residents from the buildings in which the fight took place.

During the summer Ataka and another political party proposed two draft laws to create "self-defense groups" designed to take punitive action against "Romani criminals." Neither piece of legislation passed, and there was no evidence that vigilante groups of this nature existed in practice.

On February 19, a group of youths beat a Romani family on a train near the village of Osetenovo. Human rights monitors reported that the attackers, who disseminated racist leaflets to passengers, were members of a nationalistic group that had a gathering the same day. Transportation police launched an investigation into the incident, and an NGO hired an attorney to represent the victims. No further developments had been publicized by year's end.

Victims of ethnically motivated violence included ethnic Bulgarians as well as Roma. In a highly publicized case that contributed to ethnic tensions in the country, Stanomir Kaloyanov, an ethnic Bulgarian professor, died of head injuries sustained during a May 23 race-related brawl in the ethnically mixed Zaharna Fabrika neighborhood of Sofia. Three ethnic Romani suspects were arrested immediately following the incident and were released without charge. At year's end the investigation into the murder was ongoing.

There were no developments relating to cases of skinhead violence against Romani residents of Sofia in 2004.

There were no developments in the April 2004 case in which two men reportedly brutally beat Georgi Angelov, a Rom, and cut off his ear with a razor blade. Human rights groups reported that the police failed to effectively investigate this and similar incidents.

The unemployment rate among the Roma was nearly 65 percent, reaching as high as 80 percent in some regions. Approximately 10 percent of Roma had graduated from high school and only 1 percent had a university degree. Severe unemployment and poverty among the Roma, combined with generally unfavorable attitudes toward Roma among ethnic Bulgarians and Turks, contributed to strained relations between the Roma and the rest of society.

Workplace discrimination against minorities, especially the Roma, continued to be a problem.

Many Roma and other observers made credible allegations that the quality of education offered to Romani children was inferior to that afforded most other students (see section 5, Children).

Many Roma lived in substandard housing and lacked legal registration for their places of residences. This situation rendered them particularly vulnerable in August, when Sofia city officials ordered the demolition of 22 Romani houses lacking legal deeds in the Hristo Botev district of Sofia. Approximately 150 Roma were left homeless. NGOs responded with fierce criticism, characterizing the demolitions as an election year attempt to exploit anti-Roma sentiment.

The Roma were disproportionately affected by the summer floods that destroyed vital infrastructure and displaced more than five thousand persons (see section 2.d.). Observers attributed the greater vulnerability of the Roma to displacement to pre-existing economic hardship and harsh living conditions.

With the support of the European Bank for Reconstruction and Development, the government attempted to provide housing for families previously displaced in 2001 by building new apartment blocks in Sofia and Plovdiv. However, NGOs reported that only 80 families had been resettled in Sofia by October, and many of the new units were put to commercial, rather than residential use.

NGOs reported that Roma encountered difficulties applying for social benefits, and local officials discouraged rural Roma from claiming land to which they were entitled under the law disbanding agricultural collectives. Many Roma suffered from inadequate access to health care.

On July 27, a Blagoevgrad trial court ruled against a restaurant that had denied service to Romani customers. The court found the refusal of services to be in violation of country's antidiscrimination law and ordered the restaurant to refrain from repeating such conduct. The claim had been brought by the European Roma Rights Center (ERRC), which used the law's provision authorizing public interest lawsuits by NGOs.

During the year the NGO Romani Baht filed 18 discrimination cases under the 2003 protection against discrimination act. The cases, which alleged discrimination in employment, education, access to public buildings, and ethnically motivated harassment, were ongoing at year's end. Five of the six cases that Romani Baht filed in 2004 were successful.

The country's small population of Pomaks remained in an ambiguous position. In the town of Yakoruda, local officials refused to recognize the Pomak identity, and those calling themselves Pomaks alleged discrimination by government officials.

With the support of local NGOs and foreign donors the government implemented a program to teach Romani folklore and history to over five thousand children in an effort to increase interethnic understanding and fight prejudice. Government integration programs also included busing over two thousand Romani children from ghettoized neighborhoods to mixed-ethnicity schools. Assistant teachers from minority backgrounds were hired to assist children from Turkish and Romani linguistic minorities to learn Bulgarian and to integrate into mixed classes.

Other Societal Abuses and Discrimination.—Although the law prohibits discrimination on the basis of sexual orientation, the government did not effectively enforce this provision in practice. Although incidents of violence against sexual minorities were rare, societal discrimination was a problem, manifesting itself primarily as discrimination in employment. Members of the lesbian, gay, bisexual, and transgender (LGBT) community were often refused employment on the grounds of sexual orientation or fired after revealing their sexual identity.

In August a gay pride parade in Varna was cancelled by the organizers when vocal opposition was raised by local residents and Orthodox religious leaders.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of all workers to form or join trade unions of their choice, and workers exercised this right in practice.

Approximately 18 percent of the workforce was unionized; according to individual trade unions and the Democratic Trade Unions Association, the percentage of the workforce that was unionized continued to decrease.

The law prohibits antiunion discrimination and includes a six-month period for redress against dismissal as a form of retribution. Mediation and the judicial system could be used to resolve complaints, and the burden of proof in such cases rested entirely on the employee.

There were reports of discrimination and harassment against trade union activists and members, who were relocated, downgraded, or fired. In the private sector, a few employers had a policy of illegally prohibiting trade union membership within their enterprises. There were credible reports that some private employers also forced newly employed workers to sign declarations that they would not establish or join trade unions.

There were reports of employers deducting dues from workers' salaries and not passing them on to the unions.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government generally protected this right in practice. The law provides an adequate legal structure for collective bargaining, which was practiced nationally, regionally, and on the local level; however, labor unions alleged that many employers failed to bargain in good faith or to adhere to agreements that were concluded. NGOs reported that collective bargaining was not always effective in practice. Private employers reportedly often refused to negotiate collective agreements, delayed negotiations unnecessarily, or refused to sign agreements; in other cases, private employers signed agreements but did not apply them. A 2003 study published by the European Industrial Relations Observatory estimated that 40 percent of Bulgarian employees worked under collective bargaining agreements.

The law provides for the right to strike, and workers exercised this right in practice; however, key public sector employees (primarily military and law enforcement personnel) were subject to a blanket prohibition against striking. These employees were able to take the government to court as a means of ensuring due process in protecting their rights.

There are no special laws or exemptions from regular labor laws in the country's six export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5). Children were sometimes forced to work due to economic conditions or because of pressure from family members or criminal organizations (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—There were laws and policies to protect children from exploitation in the workplace, including a prohibition on forced or compulsory labor and policies regarding acceptable working conditions. The government was somewhat effective at implementing these laws and policies in practice. The law sets the minimum age for employment at 16 years and the minimum age for dangerous work at 18 years; employers and the MLSP are responsible for enforcing these provisions. Child labor laws generally were enforced well in the formal sector, but NGOs reported that children were exploited in certain industries (especially small family-owned shops, textile factories, restaurants, family farms, construction, and periodical sales) and by organized crime (notably for sexual exploitation and the distribution of narcotics). During the first 9 months of the year, the MLSP's general labor inspectorate (GLI) found 110 violations of child labor regulations. Of these 110, 68 cases dealt with the employment of children without a permit, all of which were referred for prosecution. The remaining 42 involved administrative rather than criminal violations, and the employers were fined.

Few official statistics on child labor were available. The ILO estimated in 2000 that 14 percent of children ages 5 to 17 years were working. Children were engaged in paid work outside of the home in the commercial and service sectors, agriculture, forestry, transportation, communications, industry, and construction. According to the ILO, children's workdays often exceeded the seven-hour legal maximum, and sometimes children did not receive overtime pay for hours worked. Local NGOs reported that children worked on non-family-owned farms for meager monetary or in-kind wages, such as food, and that institutionalized children often sought modestly

paid agricultural labor during periods when they were allowed out of residential facilities.

The worst forms of child labor occurred infrequently, but included hired heavy physical labor and health hazards on family tobacco farms, particularly among the ethnic-Turkish minority. The government continued programs to eliminate the worst forms of child labor, using educational campaigns about the effects of child labor and implementing interventions aimed to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor. Trafficking of children was a problem (see section 5).

In accordance with a March memorandum of understanding with the ILO, the Ministry of Labor and Social Policy established a child labor unit to coordinate child labor issues and to develop a national database on child labor in the country. In May the labor minister appointed a chief coordinator, a position funded by the ILO for one year.

e. Acceptable Conditions of Work.—During the year the government approved and implemented an increase in the national minimum wage to approximately \$94 (150 leva); however, this wage did not provide a decent standard of living for a worker and family.

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP is responsible for enforcing both the minimum wage and the standard workweek. Premium pay for hours worked over 40 per week was supposed to be negotiated between employers and employees. The law stipulates that premium pay for overtime could not be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during official holidays. The law prohibits overtime for children under age 18, pregnant women, and women with children up to age 6. The law required a minimum 24-hour rest period, in addition to premium compensation, for overtime hours worked during the weekend. Enforcement generally was effective in the state sector but was weaker in the private sector.

There was a national labor safety program, with standards established by the law, which states that employees are entitled to healthy and nonhazardous working conditions. The MLSP is responsible for enforcing these provisions. However, conditions in many cases continued to worsen. The law requires joint employer and labor health and safety committees to monitor workplace conditions; however, implementation was slow and these committees remained in the developmental stages at year's end.

The law gives employees the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardy to their continued employment; however, in practice refusal to work in such situations could result in the loss of employment.

CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with a population of 4.4 million. Legislative authority is vested in the unicameral Sabor (parliament). The president, Stjepan Mesic, serves as head of state and commander of the armed forces, cooperating in formulation and execution of foreign policy and directing operations of the intelligence service, and nominates the prime minister, who leads the government. Presidential and local elections held during the year were generally conducted in accordance with electoral legislation, despite some irregularities. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- political influence and a severe backlog of cases in the courts
- intimidation of witnesses in domestic war crimes trials
- several partially *in absentia* trials against large groups for war crimes
- unresolved restitution of nationalized property for all religious communities
- incidents of societal violence and harassment of religious minorities
- trafficking in persons
- violence and discrimination against women
- violence and discrimination toward ethnic minorities, particularly Serbs and Roma

During the year the government demonstrated increased willingness to prosecute war crimes committed by ethnic Croats and increased its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), including initiating an interagency action plan to locate and transfer Ante Gotovina, one of the most wanted ICTY indictees, to The Hague. On December 7, Spanish authorities arrested Gotovina in the Canary Islands; cooperation of the Croatian counterintelligence services and Croatian chief state prosecutor led to Gotovina's arrest. Although Serbs continued to represent the vast majority of individuals prosecuted, international trial monitors reported that Serb defendants generally had a better chance of receiving a fair trial than in the past.

RESPECT FOR HUMAN RIGHTS

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

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

During the year four civilians were killed by landmines in the regions of Sibenik, Vukovar, Split, and the Lika area.

b. Disappearance.—There were no reports of politically motivated disappearances. Government figures showed that 1,142 persons, mostly ethnic Croats, remained missing from the 1991–95 military conflict. In addition the government collected information on approximately 892 missing ethnic Serbs. Through June the bodies of 56 missing persons were exhumed, while the remains of another 104 persons found earlier were identified. In August a mass grave was uncovered near Okucani with the remains of 15 persons, and in November another was uncovered near Novska with the remains of 6 persons. The government handled all exhumations and identifications, with the ICTY monitoring only the sites related to cases they investigated. The International Commission on Missing Persons assisted in the recovery and identification of remains.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices.

Interior ministry statistics showed a general decline in reports of police mistreatment. In June a court sentenced one police officer to 15 months in prison and another to 4 months probation for the severe beating in 2004 of a young man during questioning in Varazdin.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, overcrowding was a problem. A government report found that most prisons were filled 10 percent above capacity.

The government permitted visits by independent human rights observers. The International Committee of the Red Cross had free access and reported full cooperation on the part of the authorities during its tour of prisons during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention and the government generally observed these prohibitions. In contrast with 2004, there were no reports that judges issued warrants in war crimes cases on ethnic grounds.

Role of the Police and Security Apparatus.—There are approximately 21 thousand police officers under the authority of the interior ministry. The intelligence service is under the authority of the government and president. The national police have primary responsibility for international security; in times of disorder, the government and the president may call upon the military to provide security. An independent oversight board monitors intelligence service performance.

Minority representation in the police remained negligible except in Eastern Slavonia, and the government had not fully implemented the law requiring the hiring of minorities.

Corruption was a problem among some police officers. Through June three senior police officers and the head of the interior ministry's Criminal Police Directorate were reassigned due to corruption allegations. Under European Union, Organization for Security and Cooperation in Europe (OSCE), and other international guidance, the interior ministry continued to update and codify rules of ethical police conduct and improve the capabilities of the police internal control section.

Weak police performance, including poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and susceptibility to pressure from hard-line local politicians, remained a problem, despite government efforts to address it. During the year the interior ministry, in cooperation with the OSCE, expanded a comprehensive program of police reforms, in part to extend community policing pilot programs through the country. By year's end more than 650 officers re-

ceived training. During the year the interior ministry expanded programs to provide training for all active police officers.

Arrest and Detention.—Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate; however, police can make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. The police have 24 hours to justify an arrest to a magistrate.

Police must provide detainees' access to an attorney of their choice within 24 hours of their arrest. If a detainee does not have an attorney and is charged with a crime for which the sentence is over 10 years' imprisonment, the magistrate is required to appoint counsel. The government generally enforced this in practice. The magistrate must decide whether to extend a detention for further investigation within 48 hours of an arrest. Investigative detention generally lasts up to 30 days; however, trial courts could extend the period up to 12 months in certain cases. Detainees may be released on their own recognizance pending further proceedings, although most criminal suspects were held in custody pending trial. The option of posting bail after an indictment is available but was not commonly exercised. Detainees are also allowed visits by family members.

Unwarranted arrests of Serbs for war crimes remained an ongoing concern, despite some improvement during the year. OSCE monitors reported that arrests of Serbs based on unsubstantiated charges continued, including some based on police reports. Of five Serbs apprehended in the country in the first seven months of year, two were arrested on the basis of the police reports rather than court orders. Authorities arrested one when he entered the country to vote in local elections; he was released after a few days as no charge was pursued. Police arrested the second when he was obtaining documents at a police station after returning to the country; he was released after three days when no one could identify him as a perpetrator of a war crime.

There were no reports of political detainees.

According to a state prosecutor's survey conducted during the year, the average length of pretrial detention varied between four and five months. The law allows 6 months' standard maximum pretrial detention, but the court can extend it to 12 months in certain cases—primarily war crimes and organized crime cases—at the request of the state prosecutor.

In contrast with the previous year, there were no reports of abuse of pretrial detention.

Amnesty.—The law provides for amnesty except for war crimes. In practice when investigations fail to substantiate original charges of war crimes, courts have lowered the charges and convicted defendants, allowing them to grant the defendants amnesty. This resolves the case for the court without further investigation and allows the defendant to go free, but disregards the future repercussions that a criminal record may have on potentially innocent defendants, particularly with regard to employment.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the judiciary continued to suffer from some political influence and a backlog of approximately 1.6 million cases. In a November 9 progress report on the country, the European Commission noted that the judiciary was one of the main areas where corruption was perceived by the public.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court. The Constitutional Court determines the constitutionality of laws, governmental acts, and elections. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council is responsible for appointing, disciplining, and, if necessary, removing judges. Parliament appoints the chief state prosecutor, who appoints chief state attorneys at the county and municipal level; the State Prosecutorial Council, a disciplinary body appointed by parliament, appoints and disciplines deputy prosecutors.

During the year Serb leaders continued to express concern about discrimination in the appointment of judges and reported that, on occasion, the State Judicial Council either refused candidates or left positions vacant rather than appoint ethnic Serbs. At the end of the year, 96 percent of the 7,441 judicial employees were Croat, 2.4 percent were Serb, and 1.6 percent belonged to other national minorities.

Trial Procedures.—The law provides for the right to a public trial, and an independent judiciary generally enforced this right. The legal system does not use juries but panels of judges, which in some cases include lay judges. Defendants have the right to be present and consult with an attorney in timely manner and could confront or question witnesses against them and present witnesses and evidence on

their behalf. Defendants have access to government held evidence relevant to their cases and enjoyed presumption of innocence and the right to appeal.

Excessive court delays remained a problem, and the Constitutional Court increasingly awarded damages to persons whose court procedures had continued for up to 32 years without a decision. Through June the Constitutional Court issued 288 judgments finding unreasonable delays in lower and Supreme Court rulings and ordered the government to pay fines in 62 percent of these cases. During the same period, the Constitutional Court received 610 complaints of excessive court delays. The court noted that such delays threatened the integrity of the legal system and called into question the court's ability to provide effective remedies. The European Court of Human Rights (ECHR) called the delays "excessive" and a violation of citizens' right to trial in a reasonable time.

In contrast to 2004, there were no reports of the government ignoring or failing to enforce Constitutional Court rulings related to the privatization of property.

To deter potential political interference, the government in July replaced the police director in Osijek and sent a team of police from Zagreb to investigate a potential war crimes case involving, among other suspects, the Osijek city assembly president, who was also a member of parliament. According to observers and the media, there were strong indications that the assembly president could influence the local police and judiciary in the handling of the case. Since some witnesses were unwilling to give testimony in Osijek, the chief state prosecutor requested, and the Supreme Court allowed, the investigative judge to question them at the Zagreb County court. In December Osijek nongovernmental organizations (NGOs) called for the Osijek mayor to resign after he publicly named witnesses who agreed to testify in the investigation. While the witnesses' names were not protected and the chief state prosecutor could not file criminal charges against the mayor, NGOs maintained the mayor's actions obstructed justice and interfered in a criminal investigation.

The inexperience and lack of systematic training programs, management standards, and systems for new judges, continued to be a problem. With international assistance, the Ministry of Justice expanded the number and scope of programs at the judicial academy to improve professional training for judges.

During the year domestic courts continued to try cases arising from the 1991–95 war, including several partially *in absentia* trials with large groups of defendants. State prosecutors continued to review all open war crimes cases, eliminating unsubstantiated charges. The most recent list contained about 1,200 individuals and covered approximately 369 open investigations, 290 suspended investigations, and between 550 and 580 pending indictments.

During the year the Supreme Court decided 18 appeals of war crimes convictions that were filed by 13 Serbs, 3 Croats, 1 Bosniak, and 1 Hungarian, confirming 6 of the convictions and reversing 12, for a 67 percent reversal rate. The number of domestic war crimes trials fell compared with past years due to the elimination of most *in absentia* cases. Despite the decreased caseload, observers questioned the criminal justice system's ability to conduct fair and transparent trials in complex and emotionally charged cases where witness intimidation was a problem.

Persons convicted *in absentia* regularly made use of their guaranteed right for a retrial. Some ethnic Serbs voluntarily returned to the country to be arrested for pending war crimes charges or *in absentia* convictions, since this was the only way they could challenge a conviction under the law. In April authorities arrested one such Serb returnee, Sava Sasic, based on a 1993 *in absentia* conviction with 29 other persons. During his June retrial, the prosecutor revised the war crimes charge to armed rebellion, which is subject to amnesty. The court convicted and amnestied Sasic, who was released after three months in detention.

While the atmosphere surrounding domestic war crimes trials generally improved, inadequate training, shortcomings in the legal code, inadequate witness protection, and an often-hostile local public hampered the war crimes adjudication process. The Witness Protection Act came into force in early 2004 and became operational during one case in July in Osijek. At a July NGO meeting, trial observers reported that witnesses did not have confidence in the judiciary or in law enforcement.

In cooperation with authorities, the international community organized four witness protection workshops in which 98 judges, state attorneys, and police officers participated. The witness protection unit revamped its policies after the workshops to address the concerns of international experts and strengthen regional cooperation.

Many observers questioned the impartiality of trials in the jurisdiction where war crimes occurred, since judges, prosecutors, and witnesses may be more exposed to external influences there. Courts trying domestic war crimes continued to display bias toward defendants based on their ethnic origin, although the OSCE noted that Serb defendants had a better chance of receiving a fair trial than in the past. The

most noticeable problem was the difference in charges filed against Serbs and Croats, with Serbs being accused of a wide range of conduct while Croats were almost exclusively charged for killings. In at least three cases, courts continued to prosecute Serbs for genocide on the basis of acts that were not of the gravity usually associated with verdicts of international tribunals ascribing genocidal intent and conduct. Most persons on trial for war crimes were ethnic Serbs, and, of those, nearly three-quarters were tried *in absentia* in group trials in Vukovar County where some defendants were present. Courts also were reluctant to prosecute some crimes involving Serb victims.

The OSCE reported that courts reached decisions in a total of 21 war crimes cases, convicting 13 persons (12 Serbs and 1 Croat). The courts acquitted 5 persons (4 Croats and 1 Serb) and dropped charges against 4 Serbs at trial (including convicting defendants on reduced charges, then amnestying them). Approximately 60 percent of all defendants were tried *in absentia*; 75 percent of those were Serbs.

As in 2004, the Supreme Court delayed the issuance of some decisions related to war crimes cases. In at least one of these cases, the person accused remained in detention without the court ruling within the legal three-month deadline.

In March the Karlovac County Court indefinitely suspended the second retrial of Mihajlo Hrastov, a Croat former member of the Karlovac police special forces, after his attorney stated that he was unfit for trial and had been admitted to a psychiatric hospital. The Supreme Court overturned two previous acquittals of Hrastov for the murder of 13 unarmed Yugoslav National Army prisoners near Karlovac in 1991. Although OSCE observers reported that Hrastov supporters in the courtroom continued to create an atmosphere of intimidation for prosecution witnesses and court officials, the Supreme Court denied the prosecutor's request to relocate the retrial but did order it held before a new panel of judges.

In June the Supreme Court president, upon request of the chief state prosecutor, moved the trial of Slobodan Davidovic, who was suspected of war crimes committed in Bosnia and Herzegovina, from Vukovar to the Zagreb County court in order to help ensure a fair trial. In December the court convicted Davidovic and sentenced him to 15 years' imprisonment. OSCE trial monitors expressed concern that Davidovic's court-appointed defense was inadequate.

In June the Supreme Court increased the sentence of Lieutenant Nikola Ivankovic, from 12 years' to 15 years' imprisonment for participating in the 1991 killing of 19 mostly ethnic Serb civilians in the town of Paulin Dvor. The court also overturned the acquittal of a second defendant in the case, Enes Viteskic, and ordered his retrial.

In June the Gospić County court acquitted Nikola Cvjeticanin in a retrial on charges of war crimes against civilians. In 2003 the Supreme Court overturned Cvjeticanin's 2002 conviction on the charges, and in October 2004 the Gospić County court released him following 33 months in detention.

In September the retrial of eight Croatian soldiers accused of the 1992 torture and murder of ethnic Serb prisoners at the Lora Prison began in Split before a new panel of judges. The retrial followed the August 2004 Supreme Court decision to overturn the Split County Court acquittal of the soldiers on the grounds that the lower court had incompletely established facts and excluded crucial evidence. Four defendants, who have been in custody since September 2004, were present at the retrial, while four others were being tried *in absentia*.

In September the Zagreb County Court convicted five Croat former reserve police officers, known as the Pakracka Poljana group, in a retrial for the murder of one of the members of their group and for abuse of several ethnic Serbs in 1991. The court sentenced the five defendants to prison terms of 3 to 10 years each. Two of the defendants in the trial remained at large, and the court issued an international warrant for their arrest. The Supreme Court ordered a retrial of the case in September 2004 after three defendants were acquitted and the other two received 1 to 2 year prison sentences.

The appeal of the acquittal of four Croatian soldiers charged with killing two elderly Serb civilians near Sibenik in 1995 remained pending before the Supreme Court at year's end.

The Vukovar County court trial of 18 former members of a Serb paramilitary unit who were charged with genocide and war crimes in the town of Lovas in Eastern Slavonia continued at year's end; the trial was an example of genocide charges for acts not of the gravity associated with international genocide verdicts, as noted by OSCE trial monitors. Only one of the accused was present during the trial.

In April the Vukovar County Court began the trial of 27 persons—15 Serbs, 11 Ruthenians and 1 Roma—accused of war crimes against civilians from Miklosevci, a mostly Ruthenian-populated village. Eighteen defendants were fugitives and were

being tried *in absentia*, while the rest were on provisional release. The defendants were accused of genocide, murder, and intimidation of non-Serbs in 1991 and 1992.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—During the year the government continued to facilitate repossession of illegally occupied homes; however, the property law implicitly favors ethnic Croats over ethnic Serbs. The law gives precedence to the right of temporary occupants, who are mainly ethnic Croats, to that of original owners, predominantly ethnic Serbs. Owners generally could not repossess their property unless housing was secured for the temporary tenants. In December the government assessed that 55 private houses belonging to ethnic Serbs remained occupied, down from 1,197 houses at the beginning of the year. According to an OSCE report in November, another 135 unclaimed properties remained occupied, and 107 disputed properties were being processed by the state attorney's office. Backlogs in the judicial system impeded the resolution of housing disputes.

During the year the government made significant progress in providing reconstruction assistance.

In September the ECHR Grand Chamber began reconsideration of the 2004 ECHR ruling that termination of a person's tenancy rights in an apartment did not violate the right to a home or to peaceful enjoyment of possessions. In the case, the tenant left an apartment at the outset of war and did not return within six months as required by law in order to maintain tenancy rights. The ECHR ruling effectively confirmed the government's assertion that tenancy rights could not be treated as a form of ownership and set a precedent for many potential claimants—mostly ethnic Serbs—who had lost tenancy rights on similar grounds.

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

On March 15, a parliamentary committee investigating claims that the Counterintelligence Agency had five journalists under surveillance in 2003 and 2004 concluded there were grounds to suspect that the agency had breached the journalists' human rights and fundamental freedoms without reason (see section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and the press; however, government officials occasionally interfered with the media and attempted to influence national television.

A wide range of private newspapers and magazines were published without government interference. The privately owned Tisak distributed approximately 75 percent of the print media. Political parties, private companies (some foreign owned), and the government owned or influenced various newspaper and magazine outlets. The print media were becoming increasingly susceptible to promoting media owners' political and business interests. Foreign newspapers and journals were available in urban areas throughout the country; however, they remained largely inaccessible to many persons due to their high cost. Despite the two-year-old media law, media ownership was not fully transparent, making it possible for political or other interests to conceal their influence on media outlets.

The government owned and operated the national television and radio network (HRT). Independent television and radio stations operated in the country, and two of the three national television stations were private.

Local broadcast media were vulnerable to political pressure since most stations were at least partially owned by local governments. Approximately 70 percent of the media was partly or fully owned by local governments and approximately 46 percent of local radio stations depended on the financial support of local authorities. In May the Sisak-Moslavina County Croatian Journalists Association executive committee released a statement criticizing some political parties for pressuring media and journalists in that county; the statement did not identify the parties or provide details.

In November, HTV management removed Tihomir Ladisic, one of two anchors of the popular political talk show, *Otvoreno*. The press reported that Ladisic's removal was motivated by a program, which he had edited and anchored, that spoke openly about the role of Croatian military forces in Bosnia and Herzegovina.

In December *Feral Tribune* reported that its editor, Drago Hedl, received death threats because of his reporting on war crimes cases in Osijek in 1991. The police investigated but did not identify the perpetrators.

In December members of parliament debated a December 12 television talk show on the legacy of former president Tudjman. Members of the ruling parties attacked the program as anti-Croatian, and the parliament conveyed its dissatisfaction by refusing to approve HRT's annual report. The program council subsequently sus-

pended the program's editor and host, Denis Latin. The debate prompted the Croatian Helsinki Committee on Human Rights (HHO) and the Croatian Journalists Association to express concern that the ruling coalition was attempting to establish program control over HRT through use of political press. Both Latin and one of the guests on the December 12 program, Radio 101 editor Zrinka Vrabec Mojzes, received death threats.

Libel is a criminal offense; in recent years there were no reports of politically motivated libel cases. A large number of libel cases from previous years remained unresolved due to the inefficient judicial system. The Croatian Journalists Association continued to insist on decriminalization of slander and libel, but the government took no steps to decriminalize them during the year.

In February a Split County court upheld the sentence in a defamation case against Ljubica Letinic, a journalist for HRT. In July 2004 a municipal court in Split gave Letinic a two-month suspended prison sentence for defaming a local businessman on television in 2002. The OSCE expressed concern at the court's upholding of the sentence.

In October a Zadar Municipal court found the head of the Lovinac town branch of the ruling political party, the Croatian Democratic Union (HDZ), guilty of making death threats to a *Slobodna Dalmacija* journalist in August 2004. The official was sentenced to a seven-month suspended prison sentence. The official allegedly threatened harm because he was displeased with an article stating that he belonged to the committee that decided to erect a monument in a nearby town to the World War II-era Ustasha official, Mile Budak.

In November the Zagreb municipal court issued a five-month suspended prison sentence to journalist and writer Predrag Matvejevic for libel. In a 2001 article, Matvejevic criticized certain Croatian writers for inciting ethnic hatred during the presidency of the late Franjo Tudjman. The court action was based on a complaint by writer Mile Pesorda. Two international NGOs, the Vienna-based South East Europe Media Organization and Reporters Without Borders, publicly criticized the court decision.

In November the Rijeka county court issued a two-month suspended prison sentence to *Novi List* journalist Slavica Mrkic Modric, who was sued for libel by the Rijeka mayor's chief of cabinet.

In November the Rijeka county court also rejected as unfounded the appeal by *Novi List* journalist Robert Frank of the court's April 2004 issuance of a three-month suspended prison sentence to Frank in a libel suit brought by the Rijeka mayor's chief of cabinet.

In November the Split municipal court fined retired *Slobodna Dalmacija* journalist Ilija Marsic approximately one thousand dollars (6,600 kuna) for accusing a Split prosecutor of intentionally covering up alleged irregularities in the privatization of *Slobodna Dalmacija*.

In February five independent journalists filed a petition requesting that authorities investigate allegations that the Counterintelligence Agency put them under surveillance in 2003 and 2004 and tried to discredit them after they reported on sensitive war crimes issues. On March 15, the parliamentary internal affairs and national security committee concluded there were grounds to suspect the agency breached the journalists' human rights and fundamental freedoms without reason. There was no specific follow-up on the case, although the president of the Croatian Journalists Association and the five journalists expressed relative satisfaction with the investigation and the committee's conclusions. Former Counterintelligence Agency chief Franjo Turek had accused the journalists being involved in operations that undermined national security. There were no reports that security services had journalists under surveillance during the year.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice; however, the law grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While it was applied equally to all organizations, the law itself is restrictive and controlling. For example, the law provides that organizations will not be entered into the registry if their statutory goals are deemed trivial or if their property is not deemed sufficient to carry out their statutory activities. The law also permits the government to influence the appointment of an organization's management body.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. There is no official state religion; however, the Roman Catholic Church has a historic relationship with the state that was not shared by other religious groups. The Catholic Church signed concordats with the state granting it a number of benefits. Similar agreements were subsequently reached with other religious groups, but the Jewish community did not sign it pending the return of nationalized property.

The law requires a group to have at least 500 members and to be registered as an association for 5 years in order to register as a religious community. However, all religious groups in the country prior to the 2003 passage of the law were in the process of being registered as communities without condition. Three religious communities were registered during the year, bringing the total to 4,000, with 17 additional communities awaiting registration.

In December three churches—the Church of the Full Gospel, the Alliance of Churches “Word of Life,” and the Protestant Reformed Christian Church—challenged in the Constitutional Court the government’s refusal to conclude agreements providing them benefits similar to those provided by agreements with the Catholic, Serb Orthodox, Islamic, and other communities. The government maintained that the churches did not meet its requirements by having a minimum of six thousand members and by being continuously active in the country since 1941. The appeal was still pending in the Constitutional Court at year’s end. Registered communities have the status of a legal person and enjoy tax and other benefits. Some international groups have criticized the restrictiveness of the conditions for registration of new religious communities.

The law does not explicitly prohibit photographs with a headscarf on identification documents. However, the Constitutional Court was reviewing a case in which police in the coastal town of Crikvenica refused in 2004 to issue identification documents to a Muslim woman because she was wearing a headscarf in her photograph. Police standards were not consistent, and the police reportedly accepted such photographs in other locations in the country. The case was still pending before the Constitutional Court at the year’s end.

The government required that religious training be provided in schools although attendance was optional.

National broadcaster HRT in July signed an agreement with eight minority religious communities guaranteeing equal representation in its programs. HRT agreed to live broadcasts of important annual celebrations and minimum weekly and monthly coverage. Under an agreement with the Roman Catholic Church, HRT provided up to 10 hours per month of regular coverage of Roman Catholic events.

Little progress was made in restituting property nationalized during the World War II era to most major religious communities. In May the Roman Catholic Bishops’ Conference reported that only a few properties were returned during the year. The Serbian Orthodox Church, the second largest claimant of property after the Catholic Church, reported that its joint restitution subcommission had not met with the government during the year and stated that resolution of most of their outstanding issues, including property restitution, had stalled. There was no progress returning nationalized property to the Jewish community. The Muslim community had no property claims; local authorities in Rijeka continued to delay the long-sought construction of a mosque.

Societal Abuses and Discrimination.—Societal violence and physical abuse of religious minorities was a problem.

For example, in May a group of HDZ supporters in Vojnic shouted abuse and threw stones on the car of the imam who supported the rival Social Democratic Party (SDP) from the nearby village of Maljevac after local elections. He later received apologies from the local HDZ leadership. The imam did not sustain injuries and could not identify the persons who attacked him to police.

In November a plaque on the Islamic community building in Dubrovnik was damaged by fire. The police investigated the incident but did not identify any suspects.

At the end of August on a Serb Orthodox religious holiday, a bomb went off in front of a Serb house in Glavinja Donja near Imotski. Twelve persons were in the house at the time of the explosion, but there were no casualties. Police investigated the incident but had made no arrests by year’s end. In a December report on the status of investigations into ethnically related violence against Serbs, the police attributed the incident to conflict between drug mafia gangs. Anti-Serb derogatory graffiti was earlier sprayed on the cemetery wall in the same village.

Harassment of clergy and vandalism and destruction of religious property was also a problem.

Incidents involving harassment of clergy and desecration and vandalism of Serbian Orthodox Church property continued to occur sporadically. In Dalmatia, Ser-

bian Orthodox officials reported numerous incidents of verbal threats and isolated physical attacks against clergy and property. Serbian Orthodox officials complained that local police seldom took action against alleged perpetrators. For example, in April unknown persons repeatedly broke into and sprayed fascist symbols on the Orthodox church of St. Pokrov in Knin; police investigated the incidents but had not identify any suspects by year's end.

In April an Orthodox chapel was set on fire at the Osijek cemetery; police investigated the case, but had not released their findings by the end of the year.

In late September the Orthodox Church in Sibenik reported that a group of young men broke into the courtyard of the Orthodox Eparchy shouting ethnic slurs and threats, damaging furniture, and smashing windows. The police apprehended three young adults involved in the incident, but stated that the event had no political meaning and described it as alcohol-induced violence. During a visit from the Serbian ambassador, the Sibenik mayor expressed regret over the incident.

In December, unknown persons stoned Orthodox churches in Drnis and Zadar, where the St. Ilija church sustained minor damage. In the Drnis incident, a group of men reportedly smashed the windows to the church and verbally abused the local priest, telling him not to ring the church bells "because this is not Serbia." In November unknown persons broke into the church of St. Petka in Vukovar. Since nothing was stolen, observers considered the break-in, which was similar to other incidents in Dalmatia earlier in the year, to have been motivated by religious intolerance. The Croatian Helsinki Committee noted in its annual report that the police were reluctant to consider these incidents as ethnically or religiously motivated crimes and instead treated them as common crimes.

Serbian Orthodox clergy in Dalmatia remarked that the positive overtures of the central government stood in stark contrast with that of local authorities, law enforcement and judiciary, who persistently discriminated against Serbs. For example, cases involving two church-owned flats that were occupied illegally remained pending at county courts in Zadar and Split for over a decade. Also, Serbian Orthodox clergy who arrived from Serbia and Montenegro and from Bosnia and Herzegovina faced bureaucratic obstacles in obtaining a longer-term residency permit that entails benefits such as health care and pensions. The priests were required to renew their status at relatively short intervals that interrupted their stay, preventing them from accumulating the years of residency needed for a more permanent status.

The Jewish community has approximately 2,500 members.

In April the Jewish community and some international organizations received a threatening anti-Semitic letter. Police investigated the case but had not identified any suspects by year's end.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Refugees returning to the country encountered obstacles obtaining permanent residency status under favorable conditions. The law states that former habitual residents who returned by January could be reinstated to their prewar status as habitual residents without further requirements, such as meeting housing and financial criteria, and could subsequently apply for citizenship. The government extended the deadline to June. The interior ministry streamlined the application process after international observers complained that officials varied procedures and criteria for granting permanent residency from case to case. Also, due to poor communication, many potential claimants were unaware that they could regularize their status, and international observers suggested a further extension of the deadline. The OSCE estimated there were approximately three thousand potential claimants in Bosnia and Herzegovina and Serbia and Montenegro.

Observers continued to note that fear of arrest among ethnic Serbs for war crimes, often based on weak evidence, dissuaded some refugees from returning. The state prosecutor continued to review the list of war crime suspects to address this concern.

Government procedures to verify and document citizenship improved during the year. For example, authorities ceased rejecting applicants who listed a collective center as their permanent address. However, reports continued of obstruction by some local officials who applied procedures inconsistently. In May the government signed an agreement with the Bosniak community granting citizenship to approximately 100 Bosniaks from municipalities bordering Bosnia and Herzegovina who were longtime residents of the country but who were not given citizenship after independence.

The government did not take steps to recognize or “convalidate” legal and administrative documents issued by entities not under Croatian control from the period of the 1991–95 conflict. Without such recognition, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems in accessing pensions and disability insurance, establishing work experience, and other areas.

An OSCE survey in 2004 indicated that the majority of ethnic Serb refugees who wanted to return to their prewar domiciles had done so. By the end of November, 4,907 persons who were in the former Yugoslavia were repatriated to the country, compared to the 7,033 returnees in 2004. International organizations that monitor return of refugees considered the decline in returnees to be within expectations, since most of the remaining refugees willing to return were former tenancy rights holders who were waiting to be provided with housing. According to the office of the UN High Commissioner for Refugees (UNHCR), as of the end of November, 123 thousand of the 280 thousand Serbs who had left the country in 1995 had returned. In September the OSCE estimated that, of the total returnees, over one-third left soon afterwards due to the lack of employment opportunities or means to support themselves.

Ethnic tensions directed against returning ethnic Serb refugees continued at reduced levels in the Danube region but were more pronounced in parts of Dalmatia and its hinterlands, where incidents rose in frequency compared to the previous year (see section 5). The largest disincentive to returns was the poor state of the regional economy, compounded by an increase in ethnic incidents in return areas and slow implementation of return programs.

The ability of refugees to return to the country was hampered by limited access to housing, slow resolution of some bureaucratic obstacles, and lack of employment opportunities. Repossession and reconstruction of Serb houses were well under way. During the year the government processed 9,500 requests for reconstruction assistance. An additional 10 thousand owners who were denied reconstruction filed appeals; those appeals remain unresolved. The government in December assessed that 55 private houses belonging to ethnic Serbs remained occupied, down from 1,197 at the beginning of the year. Two-thirds of the remaining properties were located in Dalmatia. An estimated one-fifth of houses returned to their owners were looted beforehand. In July the government adopted a protocol for looted properties but did not define instructions for its implementation. By November the government had processed 145 of the first 600 cases identified as eligible.

There were cases of persons attempting to use the courts to recover alleged investments they had made while illegally occupying property. In December the first Serb returnee almost lost his house in a court-ordered auction because he could not reimburse the former occupant \$7,200 (44 thousand kuna) for improvements. After the international community intervened, the government prevented the sale by offering a settlement to the former occupant. The government said it would offer settlements in 24 similar cases pending in the courts.

The government slowly began to resolve the claims of persons who, prior to the war, held tenancy rights in socially owned apartments. Without such rights, claimants, who were mainly ethnic Serbs, were unable to return to their prewar apartments (see section 1.e.). The government extended until September the deadline for filing tenancy claims for apartments in urban areas. Approximately 11,270 individuals both inside and outside urban areas submitted claims (of these, some 4,150 applications were from urban areas); by year’s end some 42 humanitarian cases identified by the international community were provided with housing.

Internally Displaced Persons (IDPs).—Authorities took an inconsistent and non-uniform approach to minority IDPs, hampering their return. A significant number of IDPs remained in the country, although not all were under the government’s direct care. At the end of November the UNHCR office reported that there were 4,847 IDPs in the country. Of these, 3,190 were mainly Croats originating from the Danube region, while 1,657 were ethnic Serbs in the Danube region who did not hold official IDP status.

The government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

Protection of Refugees.—The law generally provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. During the year the government did not grant asylum to any of the 184 asylum seekers.

The government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees and returnees.

The government's appeals commission conducted substantive reviews of cases of asylum seekers who were initially rejected, although UNHCR expressed concern that the commission appointments remained under government influence. The UNHCR closely followed up on cases of individuals who were deported or returned by government authorities to Bosnia and Herzegovina or to Serbia and Montenegro.

There were no reports of persons requesting temporary protection during the year.

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

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

Elections and Political Participation.—Stjepan Mesic was elected president in January. Citizen's Organized to Monitor Elections (GONG), the leading local election-monitoring NGO, reported that the January presidential elections were conducted in accordance with electoral legislation, with some irregularities, including breaches of procedure by individual polling committees and inaccurate voter lists. There were more serious problems in the first round of presidential elections at polling stations established for citizens who lived in Bosnia and Herzegovina, including cases of partisan polling officials, voting under names of deceased persons, and inaccurate voter lists.

GONG issued a similar assessment of local elections in May, although it faulted the lack of transparency in campaign financing. GONG described the professionalism of the election administrative bodies as satisfactory to very good, with some exceptions.

The law requires that ethnic minorities be represented in local government bodies if the census shows that a minority group constitutes at least a specified percentage of the local population. While authorities generally implemented this provision, the government did not take updated voter lists into account in calculating the number of elected minority representatives, as is also required by law. Use of the voters lists would have resulted in greater minority representation due to the return of refugees since the 2001 census.

In July the government instructed local governments to exclude voters lists in determining the proportion of minorities in local communities. In October the National Minorities' Council asked the government to withdraw its instruction on grounds that it contradicted the law. The Serb community and NGOs expressed similar criticisms. Observers estimated that additional minority councilors would be seated in over 12 towns if voters lists were taken into consideration. In October GONG challenged the government's instruction in the Constitutional Court. In December the opposition SDP appealed on the same grounds. The court had not reached a decision by year's end. However, minority elections were held in October in three municipalities, where additional councilors were elected albeit with minimal voter participation.

Following presidential elections, Prime Minister Sanader announced that a dual citizenship agreement with Bosnia and Herzegovina would resolve problems related to the right of citizens who are resident there to vote. However, preliminary reports of that agreement, initialed by the interior minister in August, indicated that the existing situation would continue.

There were 33 women in the 152-seat parliament, including 2 women in positions of deputy speaker. There were 4 women in the 15-seat cabinet, including the deputy prime minister, the minister of justice, and the foreign minister. There were 4 women among the 13 Constitutional Court justices and 20 women among the 40 Supreme Court justices.

The electoral law reserves up to 8 parliamentary seats for ethnic minorities. There were 11 members of minorities in the 152-seat parliament, of whom 8 were elected as minority representatives.

Government Corruption and Transparency.—Corruption was perceived to be widespread, particularly in health service and land registration. In its November 9 progress report on the country, the European Commission noted that surveys highlighted a public perception that corruption had worsened over the previous year. The Ministry of Justice, with help from the international community, made progress in the latter area, introducing a digitalized land registry in May to increase public access to records and thereby remove a source of potential corruption.

Law enforcement investigated a number of allegations of corruption by senior government or former government officials, including former foreign minister Mate Granic and Nevenka Tadjman, daughter of the late president Franjo Tadjman. Al-

though Tudjman was acquitted, in July the Supreme Court overturned the lower court ruling that one of the previous four charges for unauthorized consulting, with which Tudjman was charged, was not a criminal abuse of official duty and ordered a retrial. The retrial was scheduled for late October, but was postponed due to Tudjman's serious illness and chemotherapy treatment. The Supreme Court rejected the proposed indictment of Mate Granic due to lack of evidence.

While the government's Office for the Prevention of Corruption and Organized Crime (USKOK) continued to improve its capacity and authority to manage criminal investigations, the country's institutional ability to combat corruption remained unproven. The failure of USKOK to secure more than a few indictments demonstrated the immaturity of the judicial system to handle corruption investigations, stemming in part from the lack of a common definition of what constitutes corruption.

In February USKOK began investigating possible large-scale illegal sales of refugee Serb houses to the government's Agency for Refugee Property (APN). At year's end USKOK was still investigating the case. Some 20 plaintiffs brought criminal charges for fraud, and another 30 sought out-of-court settlements with the state attorney, an obligatory step before filing criminal charges. In one case the court voided a false contract and ruled to restore the ownership. The agency made its contracts approval procedure more stringent and prohibited several staff members who were under investigation from signing purchase agreements. One local NGO representing ethnic Serb refugees and assisting them in filing charges, complained that the agency had violated the law by refusing to allow damaged parties access to files, including to contracts that might reveal fraud. The NGO also asserted that the state prosecution was slow to respond to related charges that it had filed in January against the head of the APN.

The effectiveness of the parliamentary Commission for the Prevention of Conflict of Interest, which, as one of its duties, required officials to publicly declare their assets, was limited by infighting and an overly broad mandate.

The law provides the right to access government information, but was unevenly applied in practice.

In August radio journalist Jelena Berkovic won a court case against the government for failure to provide requested documents within the deadline provided by law. In September the government removed HRT from the list of public institutions required to comply with the law on access to information. NGOs warned that the exemption would negatively influence the transparency of the electoral process.

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

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

The office for cooperation with NGOs and other government ministries and offices were active in coordinating and promoting NGO and governmental efforts on human rights and civil society. In May the government approved the integration of the Human Rights Center, a leading human rights NGO, into the public sector. The UN continued to provide funds to the center, which the government supplemented later in the year. The center's board included both public and private sector representatives.

In December two men from Vukovar, one of whom was a former special police forces member, physically assaulted the president of the prominent human rights NGO Citizens Human Rights Committee, Zoran Pusic, and his wife in front of their house in Zagreb, slightly injuring Pusic. The attackers, who were reportedly intoxicated, also verbally abused Pusic. Police initiated misdemeanor proceedings against one of the attackers.

The office for human rights was the primary government body responsible for developing, coordinating, and implementing the government's human rights policies. While the office did not have authority to investigate alleged human rights abuses, it cooperated effectively with NGOs and the international community to conduct awareness-raising campaigns to promote gender equality and women's rights, encourage general tolerance, and prevent trafficking in persons. The office also awarded project grants to NGOs to address various human rights problems. It was adequately funded and enjoyed the cooperation of other government agencies.

In October the ICTY chief prosecutor reported that the government fully cooperated with the ICTY. During the year the government complied with all ICTY requests for information and evidence and initiated an interagency action plan to locate and transfer Ante Gotovina, one of the most wanted ICTY indictees, to The

Hague. Under the direction of the chief state prosecutor, authorities tracked Gotovina and alerted the ICTY chief prosecutor, the Spanish prosecutor, and Spanish police, leading to Gotovina's December 7 arrest in Canary Islands. In August the government cooperated in the arrest of Hrvoje Petrac, allegedly a leading financial supporter of Gotovina, by authorities in Greece.

During the year further steps were taken to transfer ICTY cases to the country as part of the tribunal's completion strategy. In September the ICTY approved its chief prosecutor's request to transfer the indictments against Mirko Norac and Rahim Ademi to Croatia, completing the transfer in October. Upon the request of the chief state prosecutor, the president of the Supreme Court decided that the Zagreb County court would adjudicate the case due to its complexity and security concerns. Norac was serving a 12-year sentence on an unrelated domestic war crimes conviction. In addition the state prosecutor worked closely with the ICTY prosecutor to prepare a framework for the transfer of investigative materials on unindicted cases.

In May a proposal by the ICTY prosecutor to modify indictments against Ivan Cermak and Mladen Markac to include participation in a joint criminal enterprise to drive ethnic Serbs from the country drew widespread criticism, including from the president and prime minister, who accused the prosecutor of trying to criminalize the war effort.

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

The law prohibits discrimination based on gender, age, and race, disability, language, or social status; however, discrimination against women, ethnic Serbs, and Roma continued.

Women.—Violence against women, including spousal abuse, continued to be a problem. The media reported that 1,456 cases of family violence were recorded by police in the first 10 months of the year, an increase of 27 percent over 2004. The high misdemeanor court reported that 5,169 court procedures were initiated for breaches of the law on family violence and 3,848 cases were resolved in the first 7 months of the year. According to the interior ministry, one-third of the murders committed over the previous four years were a result of family violence.

The family violence law provides that a domestic violence case may be initiated by persons other than the victim, including the police. Under this law, family violence is treated as a misdemeanor; penalties range between \$166 to \$1,660 (1,000 to 10,000 kunas) or up to 60 days in prison. Under the criminal law, perpetrators can face up to three years in prison for the same acts. NGOs complained that the courts were slow to schedule first hearings, issued few convictions, and administered only minimum prison sentences and fines. NGOs specializing in domestic violence criticized the police rulebook that gave police discretion to assess threat levels when administering restraint orders and other measures. During the year the government began implementing procedures under a new national strategy against family violence. In November the interior ministry assigned police officers trained to handle family violence to every police station in the country and introduced around-the-clock duty to provide fast intervention, secure victims' safety, and remove perpetrators from families.

The ombudswoman for gender equality and women's NGOs warned that courts were consistently too lenient towards perpetrators. This was illustrated in July by a highly publicized case of a woman who reported her husband for grave harassment and death threats. The court failed to take action against the husband, who subsequently killed the woman. The case initiated a public discussion on domestic violence. The ombudswoman also criticized the interior ministry for refusing to send her complete documentation on such cases, thereby obstructing her efforts.

The government improved its cooperation with NGOs, although NGOs remained concerned that the budget for family violence prevention was minimal and unstable. There were 10 shelters, operated mainly by NGOs and financed by donations, for victims of domestic violence. For the first time, the government allocated \$216,600 (1.3 million kunas) to operate these shelters during the year. Hotlines, counseling, and legal assistance were also available to victims of domestic violence. In December 2004 the government adopted a two-year strategy against family violence which focused on prevention, including training the relevant agencies and the judiciary. Under the strategy the government in September adopted a protocol that defines modes of conduct and cooperation between police, judiciary, centers for social welfare, and other institutions in family violence cases. The government also published an address book of institutions offering assistance to victims. During the year the government spent approximately \$1.2 million (7 million kuna) for activities under the strategy.

Rape, including spousal rape, is illegal; however, NGOs reported that many women did not report rape or spousal rape. The law provides penalties for rape of 1 to 10 years' imprisonment and of 3 to 15 years' imprisonment for rape under aggravated circumstances, such as rape that resulted in death or pregnancy or if the victim was a minor.

According to a 2003 survey by Autonomna Zenska Kuca, 34 percent of women had unwanted sexual relations at least once in their lives. The government's office for human rights reported 38 rape convictions during the year. The police registered 89 rape complaints in the first 11 months of the year; of these, 66 prosecuted as crimes while the remainder were classified as attempted rapes. No spousal rape cases were reported to the Zagreb county court, while one person in Rijeka was sentenced to two years in prison for spousal rape. According to the NGO Women's Room, women frequently did not report rape and spousal rape because they lacked information about available legal protections, felt ashamed, feared reprisal, or, in case of spousal rape, were concerned over the economic consequences. Women's NGOs noted that victims were also reluctant to report rape, particularly spousal rape, because it was difficult to prove in court and because medical staff, police, and judiciary were not trained to treat such victims. They also alleged that sentences for spousal rape tended to be too lenient.

Prostitution is illegal but occurred. According to the state prosecutor's statistics, authorities initiated 301 misdemeanor procedures for prostitution during the year. According to an estimate by the Croatian Trade Unions' Association, approximately 3,500 women were involved in prostitution.

Trafficking in women for the purposes of sexual exploitation remained a problem (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace; however, it was a problem. According to a 2004 survey by Poslovni Forum, over 17 percent of female employees reported experiencing sexual harassment in the workplace at some point in their career. According to trade unions, the problem was most pronounced in the textile and leather, trade, and catering industries. The ombudsman and unions reported that they worked on sexual harassment cases, although many women were reluctant to take action for fear of reprisal.

The law prohibits gender discrimination; however, women generally held lower paying positions in the work force in practice. In July the government employment bureau found that women comprised 58.8 percent of the unemployed, an increase from the previous year. During the year a major employment organization found that women's wages were on average 19 percent below men's, double the difference reported by the State Bureau of Statistics in 2003. Women held the preponderance of low-level clerical, labor, and shop-keeping positions.

In January the UN Committee on Elimination of Discrimination Against Women raised concerns about gender stereotypes in school textbooks, employment discrimination, under representation of women in local government, and the high incidence of domestic violence. A dozen prominent domestic NGOs that drafted the report considered the lack of political will to implement laws a greater problem than the legal framework. They cited a range of problems, including the lack of measures to protect victims of family violence and intermittent funding of shelters. Many relevant institutions did not collect statistics by gender, including those dealing with labor issues.

The office for gender equality is responsible for implementing the Gender Equality Law and formulating the government's gender policy; the office of the gender ombudsman monitors implementation of the law, including the submission of mandatory action plans for state institutions and public companies. Prior to local elections in May, the gender equality office campaigned through its local and regional networks for fair representation of women on party slates. While women made up over 50 percent of the population, their representation on party slates ranged from 6.7 to 17.8 percent. The office also continued developing a network of local gender equality commissions and in April established a coordination body of county gender equality commissions.

Children.—The government was generally committed to the rights and welfare of children.

Education was free and mandatory through grade eight (generally age 14); boys and girls had equal access to education. The majority of students continued their education until the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles to continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Romani children began primary school, and only approximately 10 percent of these went on to secondary school.

International organizations and local NGOs continued to report the practice of holding separate, lower quality classes for Romani students in the northern part of the country. A 2003 lawsuit challenging the segregation of primary school classes in the northern Medjmurje region remained pending before the Constitutional Court. At year's end the ECHR had not reached a decision on a December 2004 lawsuit filed by the European Center for Roma Rights and HHO on behalf of 15 Romani children who were allegedly subjected to racial discrimination in elementary schools. In September the HHO repeated its concern over the prolonged silence of the Constitutional Court, which had been its primary motive for filing the lawsuit with the ECHR.

The HHO noted that at least four primary schools included in the indictment continued the practice of segregated classes during the year. The schools initially failed to organize mixed primary school classes after receiving pressure from parents; they cited a lack of social and psychological skills of Romani children as grounds for their failure. While schools in Drzimurec Strelec and Orehovica employed Romani assistants to help students overcome the language barrier, the HHO considered that this measure alone could not substantially improve the situation. The ombudsman's 2004 report and the Council of Europe commissioner for human rights recommended the introduction of preschool education for Romani children, which would enable them to learn Croatian and avoid later segregation.

During the year a local NGO began a pilot project for Roma and other vulnerable children with the goal of integrating them into society and educating teachers and parents.

Medical care for children was free, and boys and girls had equal access.

Child abuse, including sexual abuse, was a problem. According to state prosecution statistics, 1,121 persons were reported for criminal acts against children in 2004; 908 of the cases involved neglect and abuse of children and minors, while the rest were for various forms of sexual abuse or pornography. During 2004 577 persons were convicted for abuses of children.

In 2004 Amnesty International reported on the inability of authorities to prevent violence among children in social care institutions and expressed concern that minors were placed in institutions with adults. During the year authorities assigned experts to social welfare institutions to work on suppression of violence among minors and introduced simplified procedures for children to report such incidents. The Ministry of Health and Social Welfare conducted an analysis of homes for children and youth with behavioral disorders and began employing additional experts including psychologists in these homes.

Trafficking in children was a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

No nationwide statistics on child marriages among Roma existed, but social welfare services in Medjmurje county with a substantial Romani minority, reported that common-law marriages were customary among partners at the age of 16 and above. According to their estimates, as many as 60 percent of female teenagers entered such marriages, which were often prompted by pregnancies. These marriages were in some cases made official when partners reached adulthood. Government sources noted that an increase of maternity and child allowances two years ago contributed to an increased birth rate among Roma, who considered the allowances a good source of steady income.

Trafficking in Persons.—The law prohibits trafficking in persons; however, women and minors were trafficked to, from, and within the country.

The law defines trafficking in persons as a crime separate from slavery and provides penalties between 1 and 10 years' imprisonment for traffickers. The minimum penalty for trafficking crimes committed against a minor is 5 years' imprisonment. In addition, if the crime was committed by a criminal organization and resulted in a death, the penalty is 5 years to life imprisonment. The government reported ongoing criminal proceedings against 13 persons and 1 conviction for trafficking during the year. During the year the state prosecutor initiated investigations against 10 known and several unknown persons for trafficking offenses. Nine of the 10 were citizens, and 1 was Bosnian. One investigation resulted in the indictment of two persons, while the other investigations were not completed at year's end.

A witness protection law defines the conditions under which state protection is granted when a witness' life, health, freedom, or property are threatened; however, it was not used in any trafficking-related case during the year.

The government has a national committee for the suppression of trafficking in persons and a national coordinator for trafficking in persons issues who is the head of the office for human rights. Ministries and agencies responsible for the suppression of trafficking include the ministries of foreign affairs, justice, interior, health and social care, and education and office of the state prosecutor. Police participated

in international investigations through the Southeast European Cooperation Initiative regional center in Bucharest.

Police awareness of the problem of trafficking in persons continued to improve; however, according to NGOs, failure to identify trafficked women among illegal aliens smuggled into the country was a serious problem that resulted in a significant underestimate of the trafficking problem in the country. During the year the interior ministry, in cooperation with the International Organization for Migration (IOM), completed six multimodular seminars for the police, state prosecutors, and investigative judges, which started in 2004. Over a two-year period the program reached 1,600 police officers. The police academy continued to teach antitrafficking as a regular part of its curriculum, offering 18 hours of instruction per semester.

The country was primarily a transit country for women and girls trafficked to other parts of Europe for prostitution, as well as a lesser but increasing, source and destination country for trafficked women. Women from Romania, Bulgaria, Bosnia and Herzegovina, and other countries were trafficked through Bosnia and Herzegovina and Serbia and Montenegro to the country, where some remained to work as prostitutes while others were trafficked onward. Women were transported through the country by truck or boat. Women from Albania, Bosnia and Herzegovina, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Serbia and Montenegro were detained for illegal entry into the country; some of these were believed to be trafficking victims.

Refugees, displaced persons, and young persons were most at risk of being trafficked. Anecdotal information indicated that international organized crime groups, local groups, and travel or marriage agencies were responsible for trafficking. Victims were subject to violence, intimidation, withholding of documents, and threats by traffickers.

There were no reports that government officials were involved in trafficking.

The government did not deport or punish victims of trafficking. While the law criminalizes international prostitution and unauthorized border crossings, it exempts trafficking victims from prosecution. Similarly, the law allows authorities to charge foreign prostitutes with a misdemeanor and initiate deportation proceedings if they do not fulfill legal requirements for their stay in the country but exempts trafficking victims from deportation.

The government has a legal framework to provide for victim assistance, and there were support services available for trafficking victims. The government continued financially to support a shelter for trafficking victims. The International Committee of the Red Cross, in cooperation with the government, operated four reception shelters for victims. Working with local NGOs and the IOM, the government offered victim assistance such as rehabilitation and medical and legal assistance.

During the year the government reported assisting six trafficking victims who were Croatian, Bosnian, Bulgarian, and Romanian citizens and preventing the attempted trafficking of another woman. Two of the victims were minors.

The government was active in public awareness campaigns and it continued to support an NGO hotline and alternative shelter. In September the government adopted the National Plan for the Suppression of Child Trafficking.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, and access to health care and in the provision of other state services; however, discrimination occurred.

In December several members of parliament, including one with disability, criticized the government for having implemented only 12 of 70 measures envisaged under the national strategy for persons with disabilities adopted in 2003. The parliamentarians cited examples such as the lack of home medical care for immobile persons and the government's failure to provide public information in a form accessible to blind persons.

In April the media reported on repeated acts of violence and sexual abuse in a home for mentally incapacitated children operated by the Catholic charity Caritas in Brezovica. The government brought criminal charges against the director, who was suspected of covering up evidence and preventing criminal proceedings against staff. One employee was arrested. In September the state attorneys' council turned down the chief state attorney's request to suspend the deputy state prosecutor in charge of children and youth for disregarding evidence and terminating an investigation into the case. The case generated considerable public discussion about children's issues.

The law mandates access to buildings for persons with disabilities; however, the government did not always enforce these provisions, and the law did not mandate that facilities be retrofitted. As a result, access to public facilities was limited.

National/Racial/Ethnic Minorities.—Constitutional protections against discrimination are applied to all minorities; however, in practice a pattern of open and sometimes severe discrimination continued against ethnic Serbs and Roma. There was some discrimination against minorities in schools (see section 5, Children).

Violence against Serbs continued particularly in the Dalmatian hinterland, the most active area of refugee return, and to some extent in Eastern Slavonia. Incidents occurred largely after the local elections in May and over the summer when many Serbs returned or visited their homes. The HHO reported that the number of interethnic incidents rose during the first six months of the year in comparison to the previous year.

In its annual report, released in December, the HHO asserted that authorities had not adequately investigated and prosecuted ethnically motivated incidents, some of which were particularly grave. In December, the police issued a report on approximately 50 incidents that occurred during the year and claimed to have identified suspects in a third of the cases. Both the media and NGOs expressed concern that the police had not been successful in identifying suspects of several of the most serious crimes.

In May Zadar police found, in the village of Karin, the body of an elderly Serb resident of Zagreb that bore visible signs of violence. The police had not identified any suspects by year's end. The December police report stated that several hundred persons had been questioned and a number of polygraph tests administered in connection with the case.

In October and November two returnee Serbs were fatally injured by hand grenades while collecting firewood in the forest near the area of Lipik. The area was not known to have been mined, and there were strong indications that the grenades had been planted. The UNHCR expressed concern that the incidents had occurred in the same area over a short period of time and under similar circumstances. Police were still investigating the incidents at the year's end.

In May unknown persons detonated bombs near municipal buildings in the predominantly Serb villages of Trpinja and Borovo Selo in Eastern Slavonia causing considerable property damage. The same night unknown persons detonated an explosive device in a Serb-owned apartment in Vukovar.

The small mainly Serb village of Djevske near Sibenik was the site of three violent interethnic incidents within six months that involved persons harassing and threatening guests in a cafe, damaging a cafe and two cars, and smashing windows and firing shots in a restaurant. Police arrested three perpetrators in the last incident, one of whom was fined for misdemeanors.

In July two unknown assailants severely beat and injured two elderly Serbs in Ostrovica and threw rocks at the house of another returnee; police had not made any arrests in the case by year's end.

Looting of property owned mainly by ethnic Serb refugees continued in the Zadar area. Three incidents of breaking and looting in a single day were reported in the returnee villages of Smokovic and Islam Grcki near Zadar.

The OSCE reported on several ethnically related incidents where the perpetrators were charged with misdemeanor offenses, such as disturbing public order, rather than criminal offenses. In a majority of the cases, police and prosecutors were reluctant to identify cases as ethnic discrimination.

The largest Serb NGO, Serb Democratic Forum, ascribed the increased number of interethnic incidents in the Dalmatian region in part to persons who were reluctant to give back agricultural land they were occupying to the ethnic Serb owners. The NGO asserted that the police did not always remain impartial and uphold the law in property disputes between ethnic Croats and ethnic Serbs.

Authorities discriminated against ethnic Serbs in several areas, including in administration of justice, employment, and housing (see sections 1.e. and 2.d.). Ethnic Serbs in war-affected regions continued to be subject to societal harassment and discrimination.

In June a senior majority party official in Sisak used ethnic slurs against ethnic Serbs who participated in the coalition that removed him from power after the local elections. The media branded the former county prefect as an old-style nationalist, and the party distanced itself from the statement, but he was later appointed as adviser in the prime minister's cabinet.

In September Croat parents in the villages of Dalj, Erdut, and Aljmas in Eastern Slavonia refused to send 200 children to school to protest the reinstatement of three Serb teachers who allegedly refused to teach in the Croatian language and demonstrated extreme nationalist views during and after the war. In the past years, these teachers taught only in Serb classes. After consultations with the Ministry of Education, the teachers were reassigned to other classes in Dalj and elsewhere.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only nine thousand persons declared themselves to be Roma in the 2001 census, officials and NGOs estimated the Romani population at between 30 thousand and 40 thousand.

Roma faced many obstacles, including language (many Roma, particularly women, had only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and widespread discrimination. Romani NGOs estimated that 25 percent of Roma did not have citizenship documents and thus could not obtain social benefits, employment, voting rights, and property restitution. According to the Council of Europe, only 6.5 percent had permanent jobs, while the Ministry of Social Welfare estimated in December that 20 thousand to 30 thousand Roma were receiving some form of social assistance. The Ivo Pilar Institute for Social Research estimated that only 17 percent of Roma had permanent employment and over 50 percent lived exclusively on social welfare.

International organizations and local NGOs continued to report the practice of holding separate, lower quality classes for Romani students in the northern part of the country (see section 5, Children).

In March the government adopted an action plan to invest approximately \$10 million (62.5 million kunas) in the next 10 years, mainly to improve conditions for Roma in education, health, employment and housing. In May the Ministry of Justice signed contracts with 32 lawyers to provide free legal aid to Roma, mostly to resolve their citizenship status. During the year, the Ministry of Health established mobile teams to provide basic health care to Romani communities. The government supported some other programs for Roma, including employing two additional social workers in the Medumurije region.

International observers noted that the government did not fund and was slow to implement its 2003 National Program for Roma. In December the government allocated approximately \$2 million (12 million kuna) for implementation of the program, of which just over half was allocated to improve Romani settlements with the worst living conditions.

Other Societal Abuses and Discrimination.—There was some societal discrimination against homosexuals. In August one NGO reported that 11 criminal proceedings for physical assaults against homosexuals were initiated during the year. In one incident a homosexual couple was attacked by a group of teenagers who shouted offensive remarks, then severely beat up the couple. The victims, who immediately reported the incident, complained that the police were slow to react.

A 2004 survey of employers indicated that one-third would not willingly employ workers who declared themselves homosexuals.

Societal discrimination against persons with HIV/AIDS remained a problem. The Croatian Association for HIV reported that dentists and general practitioners often refused treatment of HIV positive patients and some hospitals postponed surgeries because doctors were reluctant to operate. For example, one person was waiting for hernia surgery in Zagreb since June, and another person's thyroid surgery was postponed at a hospital in Zagreb in September because a doctor refused to operate. Also, transplanting centers refused to put HIV patients on their lists of potential organ receivers.

The UN Development Program (UNDP) reported that one weekly in May published the initials and other personal information in detail sufficient to identify a cafe owner in Split suspected to be HIV positive and alleged that he was intentionally spreading AIDS. The damaged party did not take legal action against the weekly. The UNDP also reported that official health requirement rulebooks were still in place, which disqualify HIV positive from employment as merchant seamen, aircrew, and security guards.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 64 percent of workers were members of unions. Unions generally were independent of the government and political parties.

The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court. However, in general, citizens' attempts to seek redress through the legal system were seriously hampered by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see section 1.e.).

b. The Right to Organize and Bargain Collectively.—The law protects collective bargaining and the right to organize, and workers exercised these rights in practice.

The law provides for the right to strike, with some limitations and workers exercised these rights during the year. Members of the armed forces, police, government

administration, and public services were not permitted to strike. Workers may only strike at the end of a contract or in specific circumstances mentioned in the contract after they have gone through mediation. When negotiating a new contract, workers are required to go through mediation before they can strike over a new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forced or compulsory labor, including by children; however, there were reports that it occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There were laws and policies to protect children from exploitation in the workplace and provide for acceptable working conditions. While the government for the most part implemented these laws and policies effectively, there were cases of child labor, as illustrated by the well-publicized accidental drowning of two Romani children in August while taking a break from agricultural work. The drownings brought public attention to the problem of child labor, specifically the practice of Romani children being employed in agriculture.

In 2004 the State Inspectorate recorded 52 cases involving labor by children between the ages of 14 and 17. The children, 51 percent male, were employed in the hospitality, retail, industrial, construction, and media sectors. During the same period, the inspectorate catalogued 6 cases of children between the ages of 16 and 18 sustaining injuries while performing work. Three of the injuries occurred on construction sites, the other three injuries involved industrial machines.

The minimum age for employment of children is 15 years, which was enforced by the Ministry of Economy, Labor, and Entrepreneurship in conjunction with the ombudsman for children and the State Inspectorate. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions.

The law prohibits trafficking in children; however, it occurred (see section 5).

The law proscribes the worst forms of child labor. Recent changes to the criminal code criminalized trafficking in children for purposes of sexual exploitation and labor. The national ombudsman for children coordinates the country's efforts to prevent the exploitation of children and to assist in removing children from exploitative situations. The State Labor Inspectorate has 92 inspectors whose duties include inspection for illegal employment of minors. The inspectorate forwards all cases of violations involving minors to the office of the ombudsman for children. Between January 1 and September 15, the inspectorate uncovered 165 labor law violations involving minors in the hospitality, tourism, retail sales, handicraft, agricultural, and entertainment industries.

e. Acceptable Conditions of Work.—The national minimum monthly wage of \$308 (1,850 kunas) did not provide a decent standard of living for a worker and family. According to official data, over 100 thousand workers received less than minimum wage. The labor inspectorate enforces the minimum wage.

Nonpayment and late payment of wages continued to be a problem, although it lessened in recent years. Nonpayment of overtime or for work on holidays was also a problem. According to the Croatian Federation of Independent Trade Unions, 48,400 employees were not paid for their work in 2004. The labor inspectorate estimated that employers failed to register over 400 thousand workers as being employed.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30-minute daily break, 1 day off out of 7, and a minimum of 18 days of paid vacation annually. The law provides that workers are entitled to time-and-a-half pay for overtime and limits overtime to 10 hours per week. The labor inspectorate must be notified if overtime work for an individual employee continues for more than 4 consecutive weeks, for more than 12 weeks during a calendar year, or if overtime work of all employees of a certain employer exceeds 10 percent of the total working hours in a particular month. In 2004 the inspectorate reported receiving 1,710 reports of employers not registering employees, 942 reports of failure to pay salaries, 1,388 reports of failure to pay overtime, and 703 reports of employers extending work hours in violation of the law. Pregnant women, mothers of children under 3 years of age, and single parents of children under 6 years of age, may work overtime only if they freely give written consent to perform such work.

The government set health and safety standards, which were enforced by the Ministry of Health; the ministry's inspectorate has jurisdiction over enforcement of health and safety laws at the workplace and compiled annual data on injuries and health and safety code violations. In practice, many industries often did not meet

the standards for worker protection. In 2004 the inspectorate initiated 1,894 misdemeanor procedures against 3,628 employers for violating safety standards. Also, there were 80 criminal complaints filed against 102 individuals as well as 206 fines levied. Under the law, workers may remove themselves from hazardous conditions and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the state inspectorate, workers did not exercise this right in practice and normally only reported employers after they had left their job.

CYPRUS

Since 1974, the southern part of Cyprus has been under the control of the government of the Republic of Cyprus while the northern part has been ruled by a Turkish Cypriot administration which proclaimed itself the "Turkish Republic of Northern Cyprus (TRNC)." The United States does not recognize the "TRNC," nor does any country other than Turkey. A substantial number of Turkish troops remain on the island. A buffer zone or "green line" patrolled by the UN Peacekeeping Force in Cyprus (UNFICYP) separates the two parts.

REPUBLIC OF CYPRUS

The Republic of Cyprus is a constitutional republic and multiparty presidential democracy with approximately 780 thousand citizens. President Tassos Papadopoulos was elected in February 2003 in free and fair elections. The civilian authorities maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- police abuse
- violations of asylum seekers' rights
- violence against women
- trafficking in persons

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, one prisoner died in police custody.

According to press reports, on January 20 police found prisoner Jevor Hakorian unconscious in his cell in the Nicosia Central Prison. The police maintained that Hakorian was immediately taken to the Nicosia General Hospital where he was pronounced dead. The post-mortem examination found that he suffocated after swallowing his own stomach fluids. At year's end the police investigation was still continuing, pending final toxicological results from the government laboratory. The police indicated that a coroner's investigation was necessary to determine the final cause of death. No complaints have been filed against police in this case.

In May police reportedly killed an asylum seeker (see section 2.d.).

b. Disappearance.—There were no reports of politically motivated disappearances. The government participated in the autonomous, tripartite (UN, Greek Cypriot, Turkish Cypriot) UN Committee on Missing Persons in Cyprus (CMP) as part of its continuing efforts to account for persons who remained missing after the intercommunal violence beginning in 1963–64 and the events beginning in 1974.

The CMP made progress on a series of contentious issues during the year and exhumed the remains of approximately 25 unidentified bodies in June. These remains were stored with the remains of approximately 50 unidentified individuals that Turkish Cypriot authorities exhumed unilaterally during the first half of the year from a suspect site in advance of a planned construction project. In August the two sides agreed on a protocol for genetic testing that removed a key obstacle to progress in resolving the identification case-load. According to the government, 1,493 Greek Cypriots remained missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police abused detainees.

There continued to be reports that police engaged in heavy-handed tactics and degrading treatment of suspects.

In January the court acquitted a police officer charged with raping a Moldavian woman in her prison cell in February 2004. In July a police disciplinary committee called for the officer's resignation, but the officer appealed the decision. The committee ordered a new investigation, which concluded that the officer should be demoted rather than relieved of duty. The assistant chief of police appealed this decision, and the officer remained on suspension at year's end.

In April a naturalized citizen reported that police beat and locked him in a cell for 15 hours following a car accident in Limassol. The Limassol police chief denied the claims, and police headquarters maintained that the claimant had attacked the policemen and had hit an officer who had intervened in the altercation. The police pressed charges against him, while the alleged victim filed a complaint with the ombudsman. The Ombudsman's Office issued a report on the incident and the deputy chief of police ordered an investigation in August. The investigation was on going at year's end.

In July an Afghani man claimed that in 2004 police detained him and a Polish female friend and strip-searched them. After the interrogation, the man alleged the officers forcefully took him to his apartment and forced them to pose with two women in sexually suggestive photographs, which were later carried in a major newspaper. The police reported that the officers were off-duty at the time of the incident and that a disciplinary committee investigation was completed in August. At year's end the committee had not decided on disciplinary action against the officers, who remained suspended from duty.

In July police allegedly assaulted journalists and cameramen in Limassol during a strike by truck drivers (see section 2.a.).

In July the Criminal Court found a Nicosia police officer guilty of common assault after beating a teenage suspect in custody in 2004 while off duty. He was fined \$300 (150 CYP).

In August the ombudsman sent a report to the attorney general and the minister of justice supporting allegations made by a detainee that Limassol police mistreated him during his 2002 detention. The initial police investigation concluded that the complainant's claims were unfounded. However, the ombudsman's report confirmed that the complainant suffered serious bodily injuries at the hands of the police and recommended a second police investigation into the case. The police ordered a second investigation in July that was still ongoing at year's end.

In September the press reported that a Polish laborer died after being held in police custody. These reports alleged that the man was taken to a police station after a confrontation with his neighbors, where he experienced convulsions and fainting spells. The police confirmed that an ambulance took the man unconscious to the hospital where he later died. The ombudsman was investigating the case, and police have stated that the government doctor who conducted the post-mortem examination concluded that the cause of death was likely a pre-existing condition. At year's end the case was still under investigation pending toxicological and other medical results. According to the police, the man's roommates reported that the man regularly suffered from seizures, but they were unaware whether he suffered from a particular illness.

Unlike the previous year, there were no reports that police strip-searched Turkish Cypriots crossing the green line.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, although there were some problems.

The Ombudsman's Office and NGOs received complaints that police and prison officials subjected Turkish Cypriots and foreigners imprisoned in Nicosia's Central Prison to discriminatory treatment. Some inmates alleged that the police, prison wardens, and Greek Cypriot inmates regularly beat and abused them. They claimed that the authorities did not answer their calls for protection and prevented some inmates from reporting mistreatment without prison officials present. They also claimed that inmates incarcerated for non-violent crimes have been confined with dangerous criminals and raped.

The deputy director of the Office of the Commissioner of Human Rights at the Council of Europe (COE) told the press in November that there had been an improvement in conditions at the Nicosia central prison, but that more needed to be done. A report by the COE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its 2004 visit to the prison and the Athalassa State Psychiatric Hospital had not been released by year's end.

During the year overcrowding remained Nicosia central prison's greatest problem despite renovation and expansion. The prison's new capacity was 340 although at times during the year it held up to 614 inmates. Approximately 14 percent of the

inmates were foreigners who were imprisoned for entering or living in the country illegally. The government provided no assistance for the rehabilitation of drug abusers and limited support for inmates reintegrating into society following incarceration. Judges began to hand down sentences that included community service as a means of reintegrating inmates into society. In addition, one NGO (Ayios Onissimos) assisted inmates upon their release. In March the nongovernmental organization (NGO) Ethnopad (the National Organization for the Protection of Human Rights) made an impromptu visit to police holding cells (attached to the prison) where many illegal immigrants and/or asylum seekers were held and called on the government to institute reforms. ETHNOPAD also asked the government to address problems in the prison system and to stop imprisoning debtors, drug addicts, and mental patients. On June 15 a new law was implemented that prohibited the imprisonment of debtors. Since the law has no retroactive effect, the president ordered a six-month suspension of pending arrest warrants against debtors. The press reported that there were approximately 125 thousand such warrants pending before June 15.

Juveniles were generally held separately from adults, although there were isolated exceptions due to overcrowding.

The government permitted prison visits by independent human rights observers and such visits occurred during the year.

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

Role of the Police and Security Apparatus.—The Cyprus Police maintained internal security. The Greek Cypriot National Guard backed by a contingent of Greek military forces was responsible for external security but also had domestic security responsibilities. The Greek Cypriot National Guard is headed by a Greek military officer retired from the Greek Army who reports to the Greek Cypriot Ministry of Defense, which reports to the Greek Cypriot President. Greek military forces in Cyprus report directly to the Greek military. The police are the responsibility of the Ministry of Justice and Public Order. The president appoints the chief of the police. The police force is divided into headquarters (with six departments), six district divisions (including one inactive district located in the area under the Turkish Cypriot administration), and seven police units that provided specialized services. Although there were individual cases of misconduct reported within the police force, there were no serious cases of police corruption or bribery. The assistant chief of police for administration typically handled investigations into such cases and recommended appropriate disciplinary measures to the chief of police. The police reported that during the year they investigated four cases of alleged police misconduct, which resulted in no convictions. Criminal investigators appointed by the attorney general were investigating another three by year's end. In January the police established an internal recording system for incidents that were racially motivated. The police stated that this assists them in documenting "racism" as a motive for criminal activity. In March the police formalized the mission, operational procedures, role, and duties of an Office for Combating Discrimination. Also in March ethnic liaison officers were appointed at every divisional police headquarters. In November a 100-hour antiracism training seminar was conducted at the Police Academy in Nicosia.

Arrest and Detention.—Judicially issued arrest warrants were required. Persons may not be detained for more than one day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention did not exceed 8 to 10 days before formal charges were filed. The attorney general's office generally made efforts to keep pretrial detention to a minimum, especially in cases of serious crimes. Attorneys generally had access to detainees. Bail was permitted. The government claimed the right to deport foreign nationals for reasons of public interest whether or not they had been charged with or convicted of a crime.

Authorities maintained approximately one hundred detention centers (local jails serving as alien detention facilities) (see section 2.d.). Those who are arrested for illegal entry without identification have also been detained indefinitely when authorities did not know where to deport them.

There were no reports of political detainees.

At year's end fewer than 10 people in detention were awaiting trial.

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

Most criminal and civil cases begin in district courts, from which appeals may be made to the Supreme Court. There are no special courts for security or political offenses.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The constitution of Cyprus provides

for public trials and defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided for those who cannot afford one, and defendants are allowed the right to question witnesses against them and present evidence or witnesses on their behalf. The law also guarantees that defendants and their attorneys have access to government-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The government generally respected these rights in practice.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—At year's end Turkish Cypriots had filed 25 cases in Republic of Cyprus courts in an effort to reclaim their property in the government-controlled area now managed by the guardian of Turkish Cypriot properties.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet.

Opposition newspapers frequently criticized the authorities. Independent newspapers and periodicals proliferated. There were seven major daily newspapers, one weekly, and six major magazines. Several private television and radio stations competed effectively with government-controlled stations. International broadcasts were available without interference throughout the island, including telecasts from Turkey and Greece.

In May the publisher of *Politis*, a large circulation newspaper that has been critical of the government, claimed that the government brought criminal charges against him for allegedly evading foreign exchange and corporate taxation laws 11 years ago in an attempt to silence his newspaper. The publisher denied the charges and claimed that he was singled out because of 2004 reporting that suggested the governor of the central bank had abused his position for personal gain.

The government imposed significant restrictions on Turkish (as opposed to Turkish Cypriot) journalists crossing the green line to cover news events in the government-controlled areas.

During the year Turkish Cypriot advertisers repeated claims made by the vice chairman of the Turkish Cypriot Advertisers Association in 2004 that Greek Cypriot newspapers had refused to carry advertisements for businesses located in the area administered by Turkish Cypriots.

In July the Journalists' Union (JU) accused the police of targeting press freedom as a result of their alleged assault on reporters and cameramen covering truck driver strikes. The ombudsman supported this claim and reported that the police displayed a lack of detailed planning during the strike and exhibited a negative disposition toward the public's right to information.

The ombudsman concluded that the arrest of the Cyprus Broadcasting Corporation (CyBC) cameraman was unjustified and was aimed at preventing him from filming clashes between police and the strikers. In September a report by an independent committee appointed by the government concluded that the police had not used excessive force, and that the mass media had portrayed the incident as more serious than it actually was. The JU expressed its disagreement with the committee's findings. The Cyprus Media Complaints Commission issued its own report in September stating that members of the police rapid reaction unit had used excessive force, especially during the arrest of the CyBC cameraman, based on eyewitness accounts and footage filmed by the cameraman.

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

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

The law specifies that the Greek Orthodox Church of Cyprus, which was not under the authority of the mainland Greek Orthodox Church, has the exclusive right to regulate and administer its internal affairs and property in accordance with its holy canons and charter. The law also states that the Turkish Cypriot religious trust, the *Vakf* (the Muslim institution that regulates religious activity for Turkish Cypriots), has the exclusive right to regulate and administer its internal affairs and property in accordance with *Vakf* laws and principles. No legislative, executive, or other act may contravene or interfere with the Orthodox Church or the Vakf. The

Armenian Orthodox Church, Maronite Christians, and “Latins” (Roman Catholics) are also recognized under the law.

The government required other religious groups to register as a nonprofit company if they desired to engage in financial transactions, such as maintaining a bank account.

On July 10, the first Buddhist temple opened in Nicosia, and the first Jewish synagogue opened on September 12 in Larnaca.

Missionaries have the legal right to proselytize, but the government closely monitored missionary activities. It is illegal for a missionary to use physical or moral compulsion to make religious conversions. The police may investigate missionary activity based on a citizen’s complaint. Police could also open an investigation if missionaries are suspected of involvement in illegal activities threatening the security of the government, constitutional or public order, or public health and morals. In the past there were occasional apprehensions, but no arrests under these laws; however, no detentions were reported during the year.

The government required children in public primary and secondary schools to take instruction in the Greek Orthodox religion. Parents of other religions may request that their children be excused from such instruction and from attending religious services. In previous years some Jehovah’s Witnesses’ parents reported that their children were not excused from all religious instruction.

Societal Abuses and Discrimination.—In November there were press reports that the police and the municipality harassed the Buddhist temple. The municipality allegedly claimed that the temple did not have the proper license to operate as a temple, and police said they visited this site as required by law after receiving numerous anonymous and formal complaints about disturbances. There were also reports that police had visited the synagogue due to complaints of disturbances soon after its opening.

Although Turkish Cypriots reported that unused mosques in the South were vandalized, the government routinely carried out maintenance and repair of mosques in the area under its administration. In April unknown persons vandalized a recently rehabilitated Turkish Cypriot cemetery in Larnaca. The authorities had not identified any suspects at year’s end.

There were no reports of anti-Semitic acts. The Jewish community included approximately 300 expatriate residents and fewer than 10 Cypriots.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The government did not restrict Greek Cypriots from traveling to the area administered by Turkish Cypriots, but generally discouraged them from staying at former Greek Cypriot-owned properties, gambling in the area administered by Turkish Cypriots, or buying or developing property there. The government prohibited Turkish nationals from crossing from the area administered by Turkish Cypriots to the South.

In June 2004 the government began to allow European Union (EU) citizens and citizens of other countries not subject to a visa requirement who entered Cyprus from ports in the area administered by Turkish Cypriots to cross the green line into the government-controlled areas. The government considered all ports of entry in the area administered by Turkish Cypriots to be illegal and continued to block any effort by Turkish Cypriot authorities or international parties to open Ercan Airport or any port in the area administered by Turkish Cypriots for travel to destinations other than Turkey. In October Cyprus vetoed an effort to improve regional cooperation on air traffic management between Eurocontrol and a group of five countries that included Azerbaijan. A senior official in the Ministry of Communications and Works stated publicly that this was in response to the establishment of direct flights between Baku and Ercan Airport.

In June authorities barred approximately 200 Bulgarians living in the area administered by Turkish Cypriots from crossing to the South to vote in the Bulgarian elections at the Bulgarian Embassy. The government considered them illegal settlers and did not allow them to cross the green line into the government-controlled areas.

Similar to last year, the number of Greek Cypriots and Turkish Cypriots crossing the green line increased. Greek Cypriots and Turkish Cypriots were required to show ID cards when crossing. Members of each community were required to obtain insurance coverage in the community where they planned to drive their vehicles. Turkish Cypriots flew in and out of Larnaca Airport without obstruction.

Many Turkish Cypriots have obtained Republic of Cyprus passports. During the year the government issued 9,561 passports to Turkish Cypriots.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs).—Although they would fall under the UN definition of IDPs, Greek Cypriots consider those displaced as a result of the division of the island to be refugees. In 1989 these people and their descendants numbered approximately 203 thousand; at year's end an estimate was unavailable.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted them refugee status or asylum.

Qualified refugees were permitted to stay and given temporary work permits but they were not granted permanent resettlement rights. During the year no refugees were forced to return, and refugee status was granted to 25 persons.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 117 persons during the year.

The government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

In 2004 the ombudsman recommended increased access to places where detained asylum seekers could apply for asylum, and in February the ombudsman recommended increased access to lawyers for detained asylum seekers. By year's end the recommendations had not been implemented.

According to NGOs and the Ombudsman's Office, the inmates in detention centers were exclusively foreign and often asylum seekers who were arrested for illegal entry, despite their pending asylum claims. July and August press reports described cases in which asylum seekers had been held in detention for six months or longer while they awaited a decision.

In March the press reported that a Kurdish man was arrested when he went to the police station to apply for asylum 10 days after being smuggled from the area administered by Turkish Cypriots with his family. An NGO reported in September that the man was still in jail. The man's wife and two young children were being sheltered by a local women's support center after she claimed that the authorities abused her at the government's asylum seekers' reception center. The ombudsman was investigating the case at year's end.

In May the NGO Action for Equality, Support, and Anti-Racism publicly accused police of violating the law and the human rights of asylum seekers by carrying out illegal arrests, detentions, and deportations. The group claimed that authorities treated asylum seekers as illegal immigrants or economic migrants and jailed or deported them. In July an NGO accused the government of using legal technicalities to deport long term residents (sometimes as long as 11 years), only months before an EU directive would have come into effect (set for January 2006) permitting anyone who had been on the island legally for five years or more to stay on the island. The group also reported in July two suicide attempts by asylum seekers who had allegedly been denied their rights by the authorities. During the year an Iranian man whose application was denied doused himself with gasoline outside the asylum services offices and was about to light a match when a police officer stopped him; another man (nationality disputed, Iraqi Kurd or Syrian) slit his wrists in front of a police officer while in custody after having spent several months in detention on a deportation order.

In May the press reported that a police officer shot and killed a Syrian asylum seeker allegedly in self-defense; however, three other Syrians in the car claimed that they were all unarmed and insisted that the police had distorted the facts. The police reported that an investigation was completed and was pending at the attorney general's office at year's end. They maintained that there were five people in the car, that one was armed, and that the shooting was in self-defense.

Also in May a Somali asylum applicant claimed he was illegally arrested and deported to Israel, where he had previously been staying temporarily, during judicial proceedings surrounding his asylum application. The attorney general's office reported that, while the man was initially arrested for overstaying his visitor's permit and a deportation order was issued (the man's lawyer disputed the overstay charge), it was cancelled and he was not deported until after his asylum application was rejected. After the man was deported, his lawyer filed an appeal with the Supreme Court to challenge the legality of the man's arrest and initial deportation order. The

lawyer was also appealing the rejection of the man's asylum application before the Supreme Court. At year's end the man was being detained in Israel, and the press reported that the Israeli Immigration Court had requested that the government coordinate his transfer back to Cyprus to continue his asylum appeal. The press reported in December that the Israeli court stated that the man's deportation from Cyprus to Israel was allegedly conducted "in secret" by Cypriot immigration authorities without notifying the Cypriot attorney general, the Cypriot courts, or Israeli authorities.

In September a local NGO reported several complaints from asylum seekers who alleged they were physically and psychologically abused by police; the complaints were directed to the ombudsman. Another NGO claimed that asylum seekers have complained about the denial of state medical care.

In November the Supreme Court granted residence to a Serbian asylum seeker who had been in Cyprus for seven years, citing the EU directive slated to grant permanent residence to those who have been in the country legally for five years or longer. In December the press reported that three asylum seekers who married Cypriots were arrested when they withdrew their asylum applications after allegedly being advised by police or immigration authorities to do so.

Local NGOs claimed that at least one family of an imprisoned asylum seeker was held in a retirement home and not allowed to leave. Local NGOs reported that the asylum seeker's reception center at Kofinou has implemented a policy of accepting only families, in an attempt to increase the safety of women and children living in close quarters at the center.

Also in November the government approved a directive to expedite asylum applications with the goal of shortening the stay of those who do not meet the requirements for refugee status. The NGO Action for Equality, Support, and Anti-Racism stated that the directive leaves open the possibility of implementing a "safe country of origin or transit" policy.

The Immigration Office of the Ministry of Interior has a standing request of the Education Ministry that requires proof of legal residence at the time of student registration and the reporting of the parents of those in illegal status. The ombudsman has expressed disagreement with this policy, and in December the House Human Rights Committee called on the Education Ministry to reconsider it. At year's end the policy remained in place.

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

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

Elections and Political Participation.—In 2003, President Tassos Papadopoulos was elected in free and fair elections to a five-year term with the support of the AKEL (Restoration Party for the Working People), EDEK-Socialist Movement (United Central Democratic Union), and DIKO (Democratic Party) parties.

By year's end the government had not enacted legislation to comply with a 2004 European Court of Human Rights (ECHR) ruling designed to prevent the violation of the rights of Turkish Cypriots living in the government-controlled areas to free elections and to freedom from discrimination.

Women held 9 seats in the 56-seat parliament, and some held senior positions in the executive and judicial branches.

There were no members of minorities in the parliament. However, in addition to their political voting rights, the small Maronite, Armenian, and "Latin" (Roman Catholic) communities also elected special nonvoting representatives from their respective communities who sat in the parliament.

Government Corruption and Transparency.—In June 2004 the media reported that a newly elected representative to the European Parliament had allegedly exported historical artifacts and solicited a bribe from a police officer to ensure that the officer would be acquitted of attempted manslaughter charges. Reports indicated the government attempted to cover up the incident until a newspaper published a confidential police report detailing the alleged exchanges between the pathologist and the police officer. In September 2004 the attorney general requested that the European Parliament lift the official's parliamentary immunity to enable the police to investigate the charges against him. On June 13, the European Parliament's Legal Affairs Committee sent a letter to the Supreme Court requesting clarification of which judicial body had the authority to ask for the lifting of the member of the European Parliament's immunity. On June 16, the Supreme Court responded that it had no authority to decide which body was empowered to make such a request. On September 27, the European Parliament voted in favor of lifting the member's

immunity. The police have opened investigations into both sets of accusations, which were ongoing at year's end.

In May the press reported that the government was reviewing allegations of nepotism directed at the Justice Minister with regard to the hiring of prison staff.

In December the auditor general submitted her annual report outlining serious mismanagement within various departments of the government, and the government ordered an investigation.

The constitution provides for the right of access to government information; however, there are no specific laws that assure public access. Civil servants were not allowed to give access to government documents without first obtaining permission from the relevant minister. However, there were no reported cases of persons being denied access to government information during the year.

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

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

A number of NGOs considered themselves human rights groups; most, however, were concerned exclusively with alleged violations of the rights of Greek Cypriots by Turkish Cypriots or Turks. NGOs with a broader human rights-related mission included groups promoting awareness of domestic violence, migrant support, and those concerned with allegations of police brutality. Domestic NGOs were numerous but had limited impact on public opinion or specific legislation. International NGOs active in Cyprus were few, but included Doctors of the World.

The UN, through the autonomous tripartite CMP, continued its efforts to account for persons missing after the intercommunal violence beginning in 1963–64 and the events beginning July 1974 (see section 1.b.).

Similar to last year, government suspicion of the UN Office for Project Services (UNOPS) in particular, and of domestic NGOs by association, continued during the year. In 2004 government officials and the Greek Cypriot media accused UNOPS of trying to win public support for the UN settlement plan by “bribing” individuals and NGOs with grants for specific pro-solution programs.

A delegation from the Council of Europe's European Commission against Racism and Intolerance visited the country in September to examine trafficking in women and the rights of foreign migrants and asylum seekers; however, its findings had not been released by year's end.

During the year the government ombudsman received complaints from citizens and foreigners living on the island and conducted independent investigations. The Ombudsman's Office enjoyed generally good cooperation with other government bodies. Following a 2003 council of ministers decision, the office of the ombudsman assumed responsibility for two new EU-mandated authorities, the Racism and Discrimination Authority and the Equal Rights in Labor Authority. The ombudsman releases a wide-ranging annual report and a limited number of single-issue reports. The Ombudsman's Office was well respected and considered effective; however, the government had not yet implemented many of its recommendations.

The parliament's committee on human rights is made up of 10 parliamentary members who serve 5-year terms. The committee discusses wide-ranging human rights issues, including trafficking in persons, prison conditions, and the rights of foreign workers. The executive branch does not exercise control over the committee, which can help formulate policy by introducing some types of legislation; it can also recommend amendments and approve or reject government-proposed legislation.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally effectively enforced it. However, violence against women, child abuse, trafficking in persons, discrimination against Turkish Cypriots living in the government-controlled areas, and discrimination against Roma were problems.

Women.—Violence against women, including spousal abuse, was common. The law establishes clear mechanisms to report and prosecute family violence and provides that the testimony of minors and experts such as psychologists may be used as evidence to prosecute abusers. The law provides for prison terms for the abuse of family members; however, very few court cases resulted in convictions. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to the police. Many victims refused to testify in court, and, under the law, spouses cannot be compelled to testify against each other. In cases where

a spouse was the victim and only witness and she refused to testify, the courts were forced to drop the case. At year's end there were no statistics available regarding the number of spousal abuse convictions.

An NGO working with domestic abuse victims reported that, during the year, the number of telephone calls to its hot line had increased by 12.7 percent. The NGO reported that 709 individuals, of whom 80 percent were women, 10 percent children, and 10 percent men, called claiming to be victims of domestic violence. The NGO also operated a shelter for victims of domestic violence in Nicosia that served 37 victims during the year.

The law criminalizes rape and spousal rape with a maximum sentence of life in prison. Most convicted offenders received considerably less than the maximum sentence. The police indicated that there were the following numbers of sexual assault convictions during the year: 6 rapes, 3 defilements of girls between 13 and 16 years of age, and 1 defilement of girls between 13 and 16 years of age under the domestic violence law.

The law does not prohibit "voluntary" prostitution; however, it is illegal to live off the profits of prostitution and police routinely arrested pimps under this section of the criminal code. Procuring a woman for prostitution is a misdemeanor. The police reported there were two convictions for "procuring" and eight convictions for living on the earnings of prostitution or persistently soliciting prostitution during the year.

Women were trafficked for sexual exploitation (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace, and the government effectively enforced it. Nonetheless, there are reports that it was a widespread problem, but such incidents were largely unreported to authorities. One sexual harassment case reached the courts during the year.

In 2003 a senior editor at the semi-governmental news agency CyBC was found guilty of sexual harassment and actual bodily harm charges stemming from a 2002 incident involving a female television reporter and presenter. The courts fined the defendant approximately two thousand dollars (one thousand CYP). In June 2004 the Supreme Court ordered CyBC to lift its employment suspension of the defendant. The defendant appealed the fine, and on June 21 the Supreme Court acquitted the defendant and voided the fine.

Women generally have the same legal status as men under family law, property law, and in the judicial system. Laws requiring equal pay for men and women performing the same work were enforced effectively at the white-collar level. At the blue-collar level, research from one NGO suggested that remuneration for women was 25 to 30 percent less than for men. Although the country has a strong legal framework aimed at securing full equality between men and women at work, department of labor inspections do not enforce these laws effectively in the blue collar sector. The government agency tasked with the promotion, protection, and coordination of women's rights is the National Mechanism for Women's Rights of the Ministry of Justice and Public Order.

Press reports in May indicated there was a widespread problem of single mothers having difficulty obtaining child support payments and that police allegedly showed little interest in helping them report non-paying fathers. The courts maintain a system of wage and assets garnishing and ultimately imprisonment to enforce payments. During the year an NGO supporting single parents reportedly worked with police to encourage collection efforts.

Children.—The government was strongly committed to children's rights and welfare.

Free education was available through the age of 18. Education was compulsory up to the age of 15, or 9 years of education. The highest level of education achieved by most children was secondary school, and virtually all children attended school. Approximately 60 percent of these completed some form of university or tertiary education.

Approximately 85 percent of the population was eligible to receive free public health care and boys and girls had equal access to health care.

Child abuse was a problem. In 2004 there were 46 cases of child abuse reported to the welfare department. In 2004 272 children were taken into the care of social services, 171 of whom lived with foster parents, while 106 were housed in same-sex institutions. The welfare department said the majority of the cases, which were increasing compared with previous years, were linked to domestic violence, alcohol abuse, and parents suffering from psychological illness. The police reported that there were 30 criminal prosecutions pending before the courts concerning child abuse and/or sexual exploitation at year's end.

There was one report from a private researcher of child marriage in the Roma community.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to and through the country. Trafficking of women to the country for sexual exploitation was a problem. The law is gender-specific and does not address internal or labor trafficking. There were allegations of police corruption.

It is a felony to engage in the sexual exploitation and trafficking of adults (with or without their consent) and children. The court may order persons convicted of trafficking to pay part or all of the expenses incurred for the provision of protection, temporary shelter, medical care, and psychiatric care for victims. The court may also order persons convicted to pay compensation to the victim, including repatriation expenses. Responsibility for combating trafficking was shared by the ministries of justice, labor, and interior and the attorney general's office. During the year the police reported that two individuals were convicted specifically on charges of trafficking.

The police reported that of the 91 cases in 2004 in which people were charged with crimes related to prostitution and sexual exploitation, 33 had resulted in acquittals, 16 had resulted in convictions, 22 cases were still awaiting trial, 5 were still under investigation, 4 were dismissed, 8 were suspended due to lack of evidence, and 3 were dropped due to a lack of evidence by year's end.

The police also stated that of the 28 cases in 2004 in which individuals were charged directly with trafficking in persons, 17 persons were still awaiting trial, 6 were acquitted, 2 were convicted; 2 cases were suspended due to lack of evidence, and in 1 case the charges were withdrawn.

During the year the police opened 38 new cases involving 60 suspects of crimes related to prostitution and sexual exploitation. At year's end 22 of these cases were still pending trial, 10 were under investigation, 1 had been dismissed, 2 resulted in acquittals, and 3 resulted in convictions. A total of 42 people were charged with trafficking in persons for sexual exploitation during the year.

Information regarding whether the government had assisted international trafficking investigations was not available at year's end. The law prohibits the extradition of Cypriot citizens.

The country was both a destination and transit point for persons being trafficked for sexual exploitation, and authorities were aware of and generally tolerated the situation. The country was a destination for women trafficked from Eastern Europe, primarily Ukraine, Romania, Moldova, Russia, Belarus, and Bulgaria. There were no reliable statistics on the number of trafficking victims; however, 33 victims pressed charges during the year. Foreign women working as *artistes* or barmaids were vulnerable to trafficking and exploitation. In some cases women reportedly were forced to surrender their passports, perform sexual services for clients, or were not paid their full salaries. There was also evidence that female victims coming from China on student visas engaged in prostitution and in some cases were victims of sexual exploitation.

Some NGOs have alleged that government officials with oversight and policing responsibility over the sex industry frequented cabarets and nightclubs.

The law obligates the government to provide protection and support for trafficking victims by allowing them to remain in the country to press charges or by facilitating their return home. Of the 33 victims who pressed charges against their traffickers, 30 asked for police protection. The law also requires the government to provide shelter, medical, and psychiatric care to trafficking victims until they have recovered from the trauma of their experience. The government may appoint a guardian for victims to advise and give counsel and to represent the victim with the appropriate government agency. Victims may sue traffickers for damages.

The government maintained that most women who qualified as trafficking victims choose to return to their home countries voluntarily without testifying in court. There were reports that cabaret owners and *artiste* agents pressured women to withdraw complaints made about their situations or not to follow through with their intention to testify in court. Of the 47 women who requested police protection in 2004, the government reported that 36 of them had returned to their countries of origin, 11 remained, and 2 were awaiting trials to testify at year's end.

NGOs that protect the rights of women and immigrant workers were available to assist trafficking victims and reported that they received one to two requests for assistance per month.

The Russian Orthodox Church in Limassol operated a shelter for trafficking victims funded in part by the Orthodox Church of Cyprus. A Russian psychiatrist was available to assist victims. During the year a total of 47 trafficking victims stayed in the shelter. Of these, 31 returned to their home country without filing charges; 8 were witnesses in police cases and have now found employment in different fields; six were recognized as victims of trafficking, but the police had not opened cases

against their traffickers due to insufficient evidence; all six have been allowed to stay for six months and to change fields of employment. There was no formal referral process between the police and the shelter. Social welfare services typically housed victims in government-subsidized homes for the elderly and in hotels.

During the year an 18-year-old Ukrainian responded to an Internet advertisement for waitress work in Cyprus. She ended up in a cabaret in a rural area where the cabaret owner forced her to have sex with clients inside and outside the cabaret. She did not speak any English and her travel documents were withheld by the cabaret owner, who told her that she had to go with clients to repay her travel expenses. One client purchased her for the night, took her to his farm, had sex with her, and then made her clean his barn. Eventually the girl learned of the Russian Orthodox Church's shelter through another *artiste* and she managed to go there. She testified to the police against the cabaret owner, and the police opened a criminal case against him.

In February the Civil Registry and Migration Department of the Ministry of Interior produced a revised leaflet for women entering the country to work in cabarets. The leaflet is available at the airport in English, Russian, Romanian, and Bulgarian and lists the requirements for *artiste* work permits (including medical tests) and the rules governing their compensation. It states that employers commit a criminal offense by forcing *artistes* to prostitute themselves, but that an *artiste* likewise violates the law if she willingly prostitutes herself and she may consequently be deported. The leaflet does not mention trafficking, but states that its aim is to protect aliens from exploitation. It lists contact numbers for the social welfare services, the Ombudsman's Office, and several NGOs.

On May 12, the Council of Ministers adopted a national action plan to combat trafficking that includes the following steps, among others: a public information campaign, the creation of antitrafficking police units in all districts, revised rules for *artiste* visas, continued unannounced checks on cabarets and nightclubs employing *artistes*, increased governmental cooperation with NGOs, new trafficking legislation designed to better combat trafficking and allow the full implementation of international treaty obligations, measures to combat police corruption, the creation of a hot line for victims to be operated by an NGO, and the operation of a shelter for victims.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the government effectively enforced these provisions. The law mandates that public buildings and tourist facilities built after 1999 be accessible to all; however, government enforcement of the law was ineffective, and older buildings were not required to provide access for persons with disabilities. In November the Nicosia municipality implemented the construction of sidewalk ramps on four streets and additional parking spaces for people with disabilities in the downtown area.

There were no long-term care facilities specifically for persons with mental disabilities, but many such persons were housed at the Athalassa psychiatric hospital.

The amended People with Disabilities Law, which extends the ombudsman's authority to cover discrimination based on disabilities in both the private and public sector, had not been fully implemented by year's end. The press reported in November that persons with disabilities felt that the lack of access to public buildings in the country was a clear example of discrimination. Among the complaints enumerated were narrow sidewalks, lack of transport, absence of parking spaces, and absence of disabled-friendly toilets and elevators. The report also noted that during the year the government budget reportedly included approximately \$80 thousand (40 thousand CYP) for the construction of disabled-friendly establishments, despite the fact that no government buildings had ramps within regulation sizes or specially designated parking spaces. The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled was responsible for protecting the rights of the persons with disabilities. In addition the Minister of Labor and Social Insurance chaired the Pancyprian Council for Persons with Disabilities, which comprised representatives of government services, organizations representing persons with disabilities, as well as employer and employee organizations. The council monitored action for the protection of the rights of persons with disabilities and served as a forum for persons with disabilities to participate in decision-making.

National/Racial/Ethnic Minorities.—The 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Turkish Cypriots living in the South. The government generally effectively enforced the agreement, which provides for the voluntary transfer of populations, free and unhindered access by the UNFICYP to Turkish Cypriots living in the south, and facilities for education, med-

ical care, and freedom of religion. However, the Turkish Cypriot leadership complained that there is no school established in Limassol for Turkish Cypriot students as provided for under the terms of the 1975 Vienna III Agreement.

On July 29, a 28-year-old Greek Cypriot former policeman was arrested for attacking a Turkish Cypriot and his Greek Cypriot friend in a cafe in Nicosia. In March the same person, who was reportedly a known member of an ultra-nationalist organization, was involved in a similar incident in which he allegedly attacked and injured another Turkish Cypriot. He faced four charges in connection with both incidents, including assaulting and causing actual bodily harm and acting with intent to incite hostility between Greek Cypriots and Turkish Cypriots. In November he was acquitted of all charges. The judge stated that the prosecution failed to prove his guilt, citing conflicting testimony given by witnesses.

Some of the Turkish Cypriots living in the government-controlled areas reportedly faced difficulties in obtaining identification cards and other government documents, particularly if they were born after 1974. Turkish Cypriots made few formal complaints to UNFICYP about their living conditions in the south. Complaints most often concerned the lack of affordable accommodation.

A local NGO reported complaints from Turkish Cypriots married to Turkish citizens whose children have not been automatically granted Cypriot citizenship despite legislation that mandates this. Instead of granting automatic citizenship, the Ministry of Interior currently seeks approval from the Council of Ministers before confirming that the children of Turkish Cypriots married to Turkish nationals are Cypriot citizens. They approved 1,063 cases over the past 2 years.

Turkish Cypriot authorities reported in September that there had been no response from Greek Cypriot police regarding a 12-year-old Turkish girl (resident in the area administered by Turkish Cypriots) who disappeared and was last seen in Paphos. The police reported that they had responded to an UNFICYP request for assistance, noting they had located the girl and that she was not a minor.

During the year a local NGO reported that Romani families living in Limassol faced housing problems and that many of their children did not attend school. A program run by the social welfare services for the integration of Roma into society was suspended following protests from neighbors who objected to the presence of the Roma in their area.

In September the Ministry of Education, under pressure from the parents' association of a school in Paphos district, suspended the Roma children living in the area until they were tested for hepatitis. Earlier in the summer, three Roma children had been diagnosed with hepatitis A and despite the fact that they were successfully treated, the parents' association insisted that Roma children represented a health hazard. When the test results indicated no illness, the children returned to school without incident. The ombudsman opened an investigation into the issue.

In November the press reported that a group called Football against Racism in Europe (FARE) stated that racism was a problem in the country. Despite a denial of the problem by the chairman of the Cyprus Football Association, an African player for a Cypriot team stated to the paper that he "almost always" hears monkey chanting during matches. Also in November the Cyprus Football Association fined a team \$800 (CYP 400) after its fans directed monkey chants at two African players on the opposing team.

Other Societal Abuses and Discrimination.—Despite legal protections, homosexuals faced significant societal discrimination, and few homosexuals in the country were open about their sexual orientation. One NGO reported that there were complaints of discrimination toward homosexuals and HIV positive individuals. NGOs were reluctant to initiate awareness campaigns. During the year, there was a lack of education about HIV/AIDS. It was widely believed that HIV/AIDS is a concern only for homosexuals and intravenous drug users.

Incitement to Acts of Discrimination.—The government continued to use textbooks at the primary and secondary school level that included inflammatory language derogatory of Turkish Cypriots and Turks. This was a particularly serious concern with history textbooks.

In June the ombudsman issued a strong warning to insurance companies not to discriminate against customers based on their ethnic origin after the press reported that a total of 30 complaints had been filed against insurance companies at the GOC Motoring Center alleging that coverage was denied on the basis of race or nationality.

Section 6. Worker Rights

a. The Right of Association.—All workers, except for members of the police and military forces, have the legal right to form and join unions of their own choosing without prior authorization, and workers did so in practice. Police officers were per-

mitted only to join associations that have the right to bargain collectively but not to go on strike. More than 70 percent of the workforce belonged to independent unions. Antiunion discrimination is illegal, but union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties for antiunion practices were minimal.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government generally protected this right in practice. The law provides for collective bargaining, and workers exercised this right in practice; however, collective bargaining agreements were not legally enforceable. Collective bargaining agreements covered all workers, citizen and foreign, with the exception of housekeepers and *artistes*; approximately 60 percent of workers were covered by such agreements. All workers have the right to strike: but authorities have the power to curtail strikes in “essential services,” although this power was used rarely in practice. In July there was a truckers’ strike in Limassol. In November the press reported there was a one-day rural bus strike that left thousands without transport. The law provides that members of the armed forces, the police, and the gendarmerie do not have the right to strike, but the right to strike is recognized for all other members of essential services. There have been strikes in the past in government-run hospitals, airports, and by the police, and the government did not take any actions against these workers. Members of essential services are protected by the agreement for the resolution of disputes in essential services, which is an agreement between the government and essential services personnel.

There are no special laws or exemptions from regular labor laws in the export processing zone in the port of Larnaca.

c. Prohibition of Forced or Compulsory Labor.—The government prohibits forced or compulsory labor, including by children; however, there were reports that it occurred (see section 5). There were also reports that foreign maids and illegal foreign workers were subject to the nonpayment of wages and the threat of deportation (see section 6.e.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced the laws and policies to protect children from exploitation in the workplace. The minimum age for employment in an “industrial undertaking” is 16. The Ministry of Labor’s inspectors were responsible for enforcing the child labor laws and did so effectively.

e. Acceptable Conditions of Work.—The legal minimum wage was approximately \$724 (362 CYP) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants. The minimum wage rose to approximately \$770 (385 CYP) after 6 months’ employment. Neither amount provided a decent standard of living for a worker and family. All other occupations, including unskilled workers, were covered under collective bargaining agreements between unions and employers with in the same economic sector. The wages set in these agreements were significantly higher than the minimum wage. The immigration services of the Ministry of Interior set the salary for foreigners working as housekeepers at \$300 (150 CYP) per month, plus \$80 (40 CYP) for lodging if the worker did not live-in, and an additional 16 percent that employers were required to pay directly to the state in the form of social insurance. Workers were not allowed to claim pensions, unless they became citizens (although in some cases there were bilateral agreements that allowed workers to claim credit in their countries of origin). Unions and labor confederations generally effectively enforced negotiated wage rates (collectively bargained rates), which were generally much higher than the minimum wage. The immigration services were responsible for enforcing the minimum wage for foreign workers, but did not actively do so.

The legal maximum workweek was 48 hours, including overtime. Unions and employers collectively determined the actual working hours. White-collar employees typically worked 39 hours a week in the private sector and blue-collar employees worked 38 hours a week. In the public sector, the workweek was 38 hours during the winter and 35 hours in the summer. The law does not require premium pay for overtime or mandatory rest periods; this is usually stipulated in the contracts of workers in the largest sectors. Labor inspectors effectively enforced these laws.

By law there was no premium pay for overtime for foreign workers, however limits on workweeks are stipulated in their contracts and varied according to the sector of work.

Following the country’s EU accession, the Ministry of Labor experienced a substantial increase in the number of complaints of labor exploitation. Foreign workers, primarily from Eastern Europe, East Asia, and South Asia, reportedly were forced to work up to 13 hours a day, 7 days a week, for very low wages. NGOs and the

ombudsman also confirmed that employers often retained a portion of foreign workers' salaries as payment for accommodations.

There were reports of mistreatment of maids and other foreign workers. Such reports usually involved allegations that maids, primarily from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Although the law protects domestic workers who file a complaint with the labor ministry from being deported until their cases have been adjudicated, NGOs reported that many women did not complain to authorities out of fear of deportation.

Strong health and safety legislation applies to places of work in all economic activities and was enforced by the Ministry of Labor inspectors. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Their inspections were supported by close government cooperation with employer/employee organizations. However, the law does not apply to private residences (households) where persons were employed as domestic servants. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and the authorities effectively enforced this right.

THE AREA ADMINISTERED BY TURKISH CYPRIOTS

Since 1974, the northern part of Cyprus, with a population of approximately 250 thousand persons, has been governed by a Turkish Cypriot administration that proclaimed itself the "Turkish Republic of Northern Cyprus (TRNC)" in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. Mehmet Ali Talat was elected "president" on April 17 in free and fair elections. "Parliamentary" elections in February were free and fair and resulted in the formation of a coalition government. The "TRNC constitution" is the basis for the laws that govern the area administered by Turkish Cypriots. Police and security forces were ultimately under the operational command of the Turkish military, per transitional article 10 of the "TRNC constitution" which cedes responsibility for public security and defense "temporarily" to Turkey.

Authorities generally respected the human rights of citizens living under their control; however, there were problems in some areas. The following human rights problems were reported:

- police abuse of detainees
- arbitrary arrest and detention
- restrictions on citizens' privacy rights
- restrictions on asylum seekers
- trafficking in persons

RESPECT FOR HUMAN RIGHTS

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

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

b. Disappearance.—There were no reports of politically motivated disappearances. The autonomous, tripartite (UN, Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP) continued its work to account for persons who remained missing after the intercommunal violence beginning in 1963–64 and the events beginning in 1974.

During the year the "TRNC" unilaterally exhumed approximately 50 sets of remains from a construction site; the CMP verified the number of exhumations. The remains were stored in a basement of a "government" office building along with 25 that the CMP exhumed. The identities of the remains had not been determined at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police abused detainees.

During the year there were two complaints filed regarding police abuse. In August a Turkish Cypriot security forces sergeant reported that police beat him at a police station after his arrest on assault charges. The alleged victim filed a complaint but the "attorney general's" office found no evidence of abuse and closed the case.

In September a man filed a complaint saying that three police officers beat him in detention after having been arrested. The investigation was ongoing at year's end.

Unlike in previous years, police did not prevent any demonstrations.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, although there were some problems. Inmates complained of overcrowding at the prison. In May press reports quoted the prison director as saying that overcrowding was a problem, and that some inmates occasionally abused sedatives prescribed for them by the Nicosia psychiatric hospital. The press also quoted a “member of parliament” as saying that weapons were easily smuggled into the prison and that the prison administration should maintain tighter control. The “Ministry of Interior’s” director of prisons stated in November that the prison’s total capacity was 207 but that the total number of prisoners was 283. Approximately 67 percent of prisoners were foreigners, and 50 percent of prisoners were awaiting trial.

Juveniles were not held separately from adults.

Authorities permitted prison visits by independent human rights observers, although no such visits occurred during the year.

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

Role of the Police and Security Apparatus.—Police are responsible for law enforcement. The chief of police reports to the Turkish Cypriot general holding the “security portfolio,” and the general is nominally under the supervision of the “prime ministry.” The police and security forces are ultimately under the operational command of the Turkish military; however, per transitional article 10 of the “TRNC constitution” which cedes responsibility for public security and defense “temporarily” to Turkey. Some politicians called for the police to be brought under the control of the “TRNC government,” but there were no changes during the year. Despite this, security forces were generally cooperative with civilian authorities and effective in matters of law enforcement. The police are divided into eight functional divisions and five geographic divisions.

The “attorney general’s” office acknowledged that there were cases of corruption and bribery within the police related to narcotics trafficking. In September two police officers on suspension for charges of writing bad checks were arrested in connection with alleged narcotics trafficking. The two were released on bail, but the investigation of all charges against them was ongoing, and they remained on suspension at year’s end. In December the police chief in Iskele was arrested for collecting gambling debts for a criminal syndicate suspected of illegal involvement with casinos and betting houses. The chief was released on bail while awaiting trial. The office of the “attorney general” continued to work in conjunction with the inspection division (or occasionally the criminal investigative division) to conduct investigations into allegations of police misconduct. During the year no investigations resulted in the prosecution of officers for the abuse of detainees.

Arrest and Detention.—Judicially issued arrest warrants were required to arrest a person. No person could be detained for more than 24 hours without referral of the case to the courts for extension of the period of detention. The authorities respected this right effectively in practice. Also detainees were promptly informed of charges against them. However, for a serious crime a person could be held without being charged. Most periods of investigative detention did not exceed 8 to 10 days before formal charges were filed. Bail was permitted and routinely used. Detainees were usually allowed prompt access to family members and a lawyer of their choice. Authorities provided lawyers to those who could not afford one only in cases of serious crimes. Particularly at the time of arrest, police sometimes did not observe legal protections. Some suspects were not permitted to have their lawyers present when testimony was taken, in contravention of the law. Suspects who demanded the presence of a lawyer were sometimes threatened with stiffer charges or physically intimidated.

There were no reports of political detainees.

After arrest, suspects must appear before a judge within 24 hours to avoid lengthy detention at police stations. Judges may order that suspects be held for investigative detention for up to 10 days before formal charges are filed. The law provides that pretrial detention for those accused of serious crimes cannot exceed three months; the prison director reported that in practice the average length of pretrial detention is approximately six weeks, but that it can be longer if the court’s conditions for release are not met (unpaid bail, lack of guarantors). In November 50 percent of the prison population was awaiting trial.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and authorities generally respected this provision in practice.

Most criminal and civil cases begin in district courts, from which appeals are made to supreme courts. There were no special courts for security or political offenses.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The “TRNC constitution” guarantees public trials, the defendant’s right to be present, and the defendant’s right to consult with an attorney in a timely manner. An attorney is provided for those who cannot afford one, and defendants are allowed the right to question witnesses against them and present evidence or witnesses on their behalf. The law also guarantees that defendants and their attorneys have access to “government”-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The authorities generally respected these rights in practice.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—During the year Greek Cypriots continued to pursue property suits against the Turkish government in the ECHR for the loss of property located in the area administered by Turkish Cypriots since 1974. Under ECHR rules, an appellant does not have standing to bring a case before the ECHR until that appellant exhausts all local remedies—unless no adequate local remedy exists. In the landmark Xenides-Arestis case the ECHR determined that the Turkish Cypriot committee set up in 2003 to adjudicate claims by Greek Cypriots with land in the area administered by Turkish Cypriots, did not constitute an effective local remedy. This allowed for the direct appeal of the Xenides-Arestis case to the ECHR without having exhausted local remedies.

On December 19, the “TRNC” passed new legislation aimed at bringing the property commission in line with ECHR standards. On December 22, the ECHR ruled against Turkey in the Xenides-Arestis case, but gave the government of Turkey six months in which to provide an effective domestic remedy to deal with property claims. Until then, the court has postponed further consideration of the approximately 1,400 similar cases that Greek Cypriots have filed against Turkey at the ECHR.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, there were reports that police subjected Greek Cypriots and Maronites living in the area administered by Turkish Cypriots to surveillance (see section 5). The Turkish military occupied houses in two of the four Maronite villages.

The press reported that in August a Turkish Cypriot man hung a flag of the Republic of Cyprus outside his home to mark the 45th anniversary of the Republic of Cyprus. Police arrived at his house, arrested him, and confiscated the flag, which is banned in the area administered by Turkish Cypriots. The man told newspapers that he planned to sue the police in the ECHR for compensation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and authorities generally respected these rights in practice; however, authorities continued to pursue criminal charges against a number of journalists.

At year’s end, authorities had not yet dropped criminal charges filed in 2003 against five journalists with the daily newspapers Kibris and Ortam for insulting the army in their reports about police actions against demonstrators in the village of Doganci.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly and the authorities generally respected this right in practice.

At year’s end authorities had not yet dropped charges against organizers of the 2003 demonstration in the village of Doganci.

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

c. Freedom of Religion.—The law provides for freedom of religion and prohibits religious discrimination, and authorities generally respected these rights in practice.

The law permits the Turkish Cypriot religious trust, the Evkaf (the Muslim institution that regulates religious activity for Turkish Cypriots), to regulate and administer its internal affairs and property in accordance with Evkaf laws and principles.

Greek Cypriots and Maronites were still prohibited from visiting religious sites located in military zones. Greek Cypriots and Maronites were required to apply for permission to conduct church services anywhere other than the seven churches designated by authorities.

In March authorities approved the name of a second Greek Orthodox priest to serve the Greek Cypriot enclaved community in the Karpas peninsula, but the priest could not go for personal reasons. In April the Greek Cypriot submitted an

other name but Turkish Cypriot authorities rejected the individual for unspecified “security reasons.” At the end of the year, only one priest served the area.

In June authorities permitted Greek Cypriots to hold liturgical services at the St. Barnabas church in Famagusta for the first time since 1974.

In July authorities approved a church service at a Maronite church in Agia Marina for the first time since 1974 but later withdrew this permission. The road to the church crossed a Turkish military facility and military commanders reportedly refused permission for the services.

In September authorities again permitted a group of worshippers to attend a religious ceremony at Agias Mamas Church in Morphou.

Missionaries have the legal right to proselytize, but authorities closely monitored missionary activities.

Societal Abuses and Discrimination.—During the September religious ceremony at Agias Mamas Church in Morphou, two cars owned by Greek Cypriots caught fire in the parking lot. Turkish Cypriot police determined that the cause of the fire was a short circuit in one of the car’s electrical system, but the Greek Cypriot press reported that forensic examiners determined that the cause of the fire was arson. The Turkish Cypriot “government” offered to ensure that insurance companies would pay the Greek Cypriots’ claims.

No suspects were ever identified or charged with the 2004 bombing inside the Agias Mamas Church that was allegedly orchestrated by Turkish Cypriot nationalists.

Greek Cypriots reported that vacant Orthodox churches had been vandalized and religious icons removed; there were no reported investigations of these incidents.

There were no reports of anti-Semitic acts. The Jewish community in the area administered by Turkish Cypriots is very small and composed primarily of non-resident businesspeople.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and authorities generally respected them in practice.

In September authorities opened one additional checkpoint to facilitate travel across the green line.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. In addition Greek Cypriots and foreigners crossing into the area administered by Turkish Cypriots were required to fill out a “visa” form. Some Greek Cypriots refused to do this and therefore did not cross. Authorities announced limitations on the length of time Greek Cypriots could stay in the area administered by Turkish Cypriots when the green line first opened in 2003, but in practice these limitations were not enforced during the year. Members of each community were required to obtain insurance coverage in the community where they planned to drive their vehicles.

Authorities maintained restrictions on the 403 Greek Cypriots and 140 Maronites living in enclaves in the area administered by Turkish Cypriots. Authorities limited overnight stays by child relatives of enclaved Greek Cypriots and Maronites to a “reasonable period,” with extensions possible. Immediate relatives of enclaved Greek Cypriots were exempt from the requirement that they stay at a hotel and instead could stay with their relatives. During the year two residents of enclaved Maronite communities were not allowed to return to their homes after reportedly visiting the government-controlled area. Turkish and Turkish Cypriot forces continued to operate a checkpoint adjacent to the Greek Cypriot village of Strovilia and the British eastern Sovereign Base Area that restricted UNFICYP movement.

Turkish Cypriots had difficulty traveling to most countries because only Turkey recognizes travel documents issued by the “TRNC.” Some Turkish Cypriots used Turkish travel documents, but many have now obtained Republic of Cyprus passports from the government.

The law prohibits forced exile, and the authorities did not employ it.

Internally Displaced Persons (IDPs).—Although they would fall under the UN definition of IDPs, Turkish Cypriots consider those displaced as a result of the division of the island to be refugees. These persons and their descendants number approximately 90 thousand to 100 thousand.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and authorities have not established a system for providing protection to refugees. In practice authorities did not provide protection against *refoulement*, the return of persons to a country where they feared persecu-

tion. The authorities did not grant refugee status or asylum. Individuals who requested asylum were supposed to be directed to the UNHCR; however, there were reports that not all individuals who wished to seek asylum were permitted to do so.

Authorities' cooperation with the UNHCR was uneven. During the year, working with the assistance of a local NGO, the UNHCR examined the asylum claims of fewer than five persons who entered the area administered by Turkish Cypriots in accordance with "TRNC" procedures. Their cases remained pending at year's end. Authorities refused entry to approximately two thousand persons who arrived with or without proper documentation at ports of entry, denying them the opportunity to apply for asylum through the UNHCR.

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

The law provides Turkish Cypriots the right to change their government peacefully, and they exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Turkish Cypriots choose a leader and a representative body every five years or less. In the February "parliamentary" elections, which were free and fair, parties favoring a solution to the division of the island based on the Annan plan emerged with a near majority of seats. A coalition "government" formed thereafter and elevated Ferdi Sabit Soyer, one of the leading figures of the area administered by Turkish Cypriot's largest pro-settlement party, to the position of "prime minister."

Greek Cypriots and Maronite residents were prohibited from participating in Turkish Cypriot elections; they were eligible to vote in Greek Cypriot elections but had to travel to the government-controlled areas to exercise that right. Officials in the area administered by Turkish Cypriots representing Greek Cypriots and Maronites were appointed by the Republic of Cyprus and were not recognized by Turkish Cypriot authorities.

There were no government restrictions on the political opposition and membership or non-membership in the dominant party did not confer formal advantages or disadvantages.

There were 3 women in the 50-seat "parliament".

There were no minorities represented in the "parliament."

Government Corruption and Transparency.—Corruption, cronyism, and lack of transparency were perceived to be serious problems in the legislative and executive branches. In August press reports indicated that the previous "minister of economy and tourism," who resigned in 2004, had been forced to quit because she sought to close a casino in the area administered by Turkish Cypriots that was allegedly evading taxes.

By September the new "government" closed its investigations of three cases of the previous "government's" alleged practice of distributing land and bogus "citizenships" in an attempt to sway election results, as well as an investigation of the previous "government's" role in a banking sector bankruptcy case. All charges were dropped, however the new "government" did cancel land titles and bogus "citizenships" that were identifiable.

Unlike in 2003, there were no reports that parties in power before the December election had misused public resources in support of their campaigns.

The "constitution" provides for the right of free access to government information; however, there are no specific laws that assure public access. Civil servants were not allowed to give access to government documents without first obtaining permission from their directors or minister. However, there were no reported cases of persons being denied access to government information during the year.

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

A number of domestic and international human rights groups generally operated without restriction from the authorities, investigating and publishing their findings on human rights cases. Officials generally were cooperative and responsive to their views.

Human rights groups were generally concerned almost exclusively with alleged violations of Turkish Cypriot rights by Greek Cypriots. NGOs with a broader human rights-related mission included groups promoting awareness of domestic violence and women's rights. These groups were numerous, but had little impact on public opinion or specific legislation. A few international NGOs were active in the area administered by Turkish Cypriots, but many were hesitant to operate there due to political sensitivities related to working in the unrecognized "TRNC."

The UN, through the autonomous tripartite CMP, continued its efforts to account for persons who remained missing after the intercommunal violence beginning in 1963–64 and the events beginning in 1974 (see section 1.b.).

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally effectively enforced it; however, violence against women, trafficking in persons, and discrimination against Greek Cypriots and Maronites were problems.

Women.—Violence against women, including spousal abuse, was a problem. The law prohibits domestic violence; however, no cases of domestic violence were tried during the year, as claims were typically considered a family matter and settled out of court. Additionally, authorities only considered a case credible if there was at least one witness in addition to the victim.

The law provides for no minimum sentence for individuals convicted of rape, including spousal rape; the maximum sentence is life imprisonment. The authorities and police effectively handled and prosecuted rape cases, including cases of spousal rape. There were no NGOs to support rape victims. The press reported only one rape during the year; a taxi driver allegedly raped a female passenger in June. The police investigation was ongoing at year's end.

The law does not specifically prohibit prostitution, but procurement for prostitution is a misdemeanor. A law designed to regulate the hiring of women in nightclubs provides penalties for women and employers who engage in prostitution. Turkish military forces frequent nightclubs and cabarets.

There were a few reports that women were trafficked to the area administered by Turkish Cypriots for the purposes of sexual exploitation (see section 5, Trafficking).

The law contains no provision specific to sexual harassment; however, victims could pursue such cases under other sections of the law. Sexual harassment was not discussed widely and any such incidents largely were unreported. It was reportedly a serious problem.

Women generally have the same legal status as men under property law, family law, and in the judicial system. Laws requiring equal pay for men and women performing the same work were enforced effectively at the white-collar level; however, women working in the agricultural and textile sectors were routinely paid less than their male counterparts. There were several NGOs, but no "government" agencies that worked to protect women's rights.

Children.—Authorities were strongly committed to children's rights and welfare.

Education through the age of 15 was free and compulsory. Approximately 90 percent of children attended school up to the secondary level. Approximately 70 percent completed some kind of post-secondary education.

Authorities screened all textbooks sent to the Greek Cypriot Rizokarpasso Gymnasium, a primary and middle school in the enclaved communities that authorities reopened in 2004, the screening caused lengthy delays in their distribution and shortages of up-to-date textbooks. In September the press reported that students began classes without textbooks when authorities determined that the books contained offensive language. The authorities reportedly submitted a report to the UN on the books; the books were later released to the school. The school announced in October that it is expected to expand grade levels to include grades seven through nine; there are reports that two additional teachers were needed at the school but that the authorities had not approved them at year's end.

Boys and girls had equal access to publicly funded health care; however, patients faced long waits for services in public medical facilities. In November an NGO reported that children of unregistered (illegal) workers were allowed free but only basic medical treatment. Long-term treatment was not provided.

There were no reported cases of child abuse; however, as with domestic violence, there were social and cultural disincentives to seek legal remedies for such problems.

Trafficking in Persons.—The law does not specifically prohibit trafficking, and there were some reports that women were trafficked to and within the area administered by Turkish Cypriots for the purpose of sexual exploitation.

Procurement for prostitution is a misdemeanor, and a law designed to regulate the hiring of women in nightclubs provides penalties for women and employers who engage in prostitution. The "TRNC" does not extradite its "citizens"; however, the police reported that they had assisted international trafficking investigations through Turkey.

Turkish Cypriot authorities issue *artiste* visas to women, primarily from Eastern Europe, permitting their entry into the area administered by Turkish Cypriots to work in nightclubs. There were credible reports that many of these women engaged in prostitution and that some women were coerced. Authorities acknowledged the existence of trafficking; however, they often confused it with human smuggling or illegal immigration.

In September two victims of trafficking contacted Turkish Cypriot authorities for help, and the authorities reported the cases to the police. Authorities later reported that the two cases represented in fact a single incident and that the woman's employer had sent her back to her country of origin in an effort to avoid problems with the police.

The "Interior Ministry" reported that there were 378 women working at 45 night clubs and 10 pubs in the area administered by Turkish Cypriots at year's end. At a conference sponsored by an NGO and the Swedish embassy in October, a sociologist and pollster presented a research project on the women working in nightclubs and cabarets in the area administered by Turkish Cypriots. During interviews the women and their employers allegedly told representatives from the sociologist's organization that 90 percent of the women came to Cyprus on six-month contracts and that during that time they earned up to \$6 thousand (Turkish new lira 7,974). The women also reportedly said that many of them came via modeling agencies or were sold by agencies that had advertised for babysitters or caregivers for the elderly. The organization stated that large casinos had offered women as gifts to their "richest customers" and that boys as young as 16 regularly visited the night clubs.

There were no NGOs available to provide assistance to trafficking victims.

During the summer the "ministry of health" began collecting questionnaires on working and living conditions from nightclub employees at their mandatory health checks. In December the "ministry" hired a Russian-speaking staff member to begin interviewing these women in private.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the government effectively enforced these provisions. In December a local NGO expressed concern over the need for improvements to special education and life-long rehabilitation opportunities and employment for people over age 18. The "state" employed approximately 280 people with disabilities and provided financial aid to 2,650 of the 3,500 people with disabilities in the area administered by Turkish Cypriots. The law does not mandate access to public buildings and other facilities for persons with disabilities, and the above NGO reported that this remains the single greatest problem for persons with disabilities in the area administered by Turkish Cypriots.

National/Racial/Ethnic Minorities.—The law prohibits discrimination, and the 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Greek Cypriots and Maronites; however, the authorities' noncompliance with some of the agreement's provisions made daily life difficult for the 403 Greek Cypriots and 140 Maronites residents.

Greek Cypriots and Maronites in the area administered by Turkish Cypriots alleged that they were routinely subject to surveillance. Representatives of both communities complained that their phones were tapped and that Turkish Cypriot authorities occasionally broke into their homes.

UNFICYP access to Greek Cypriots and Maronites remained limited. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care provided by Turkish Cypriot doctors registered with authorities was permitted. Greek Cypriots and Maronites were able to take possession of some of their properties but were still unable to leave any of their properties to heirs residing in the South. In December authorities announced that Maronites living in two of the four Maronite villages in the area administered by Turkish Cypriots could bequeath property to children living in the government-controlled area. However, in practice there were reports that this was not allowed. Authorities allowed the enclaved to make improvements to their homes and to apply for permission to build new structures on their property. Maronites living in the government-controlled area could use their properties only if they were not under the control of the Turkish military or allocated to Turkish Cypriots.

A majority of foreign workers in the area administered by Turkish Cypriots were Turkish. One NGO reported that the public at large often made them the scapegoats for criminality, adding that Turkish workers were often the targets of police raids aimed at finding the culprits of petty crime. The NGO reported that many Turkish workers lived within the walled city of Nicosia, with up to 20 persons sleeping in one room, often in derelict buildings. Those working in agriculture or on construc-

tion sites reportedly have been forced to sleep on the ground and those working in restaurants have been seen sleeping after hours on chairs in the establishments where they worked. The NGO also reported research that indicated that the population generally resented Turkish workers because of the perceived threat they posed to job prospects.

Other Societal Abuses and Discrimination.—The law criminalizes homosexuality in the area administered by Turkish Cypriots. Homosexuality is socially highly proscribed and rarely discussed. There were no reports of discrimination against persons with HIV/AIDS.

Incitement to Acts of Discrimination.—The Government of Cyprus complained that language used in Turkish Cypriot textbooks is derogatory of Greek Cypriots. However, “TRNC” school “authorities” continued to use textbooks at the primary and secondary levels that included such language. The “Ministry of Education” introduced a revised history syllabus and textbooks in schools after concluding in 2004 that the existing text encouraged students to view Greek Cypriots as enemies and the EU as a “rotten apple.” Students in Greek Cypriot enclaved communities began classes without textbooks during the year when authorities determined that the books contained offensive language.

Section 6. Worker Rights

a. The Right of Association.—All workers, except members of the police and military forces, have the legal right to form and join unions of their own choosing without prior authorization, and workers did so in practice. Approximately 1 percent of private sector workers, 60 to 70 percent of semi-public sector workers, and nearly all public-sector workers belonged to labor unions.

Some companies had company-led unions and pressured workers to join them. Officials of independent labor unions stated that authorities created rival public sector unions to weaken the independent unions.

The law does not prohibit antiunion discrimination, and union leaders claimed that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties—such as reassignment to and undesirable location or denial of promotion—for antiunion practices were nominal.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government generally protected this right in practice. The law provides for collective bargaining, and workers exercised this right in practice; however, collective bargaining agreements were not legally enforceable. The “Ministry of Economy” and union officials estimated that 98 percent of workers in the public sector, 60 to 70 percent of workers in the semi-public sector (such as the state university), and 1 percent of workers in the private sector were unionized. Public and semi-public employees made up approximately 30 to 35 percent of the work force and benefited from collective bargaining agreements. Although the law provides for the right to strike, employers have an unrestricted right to hire replacement workers in the event of a strike, which limited the effectiveness of the right. The law does not ensure due process for essential service workers and in fact states that members of the armed forces, law officers, judges, members of the police, and civil defense personnel have no right to strike. Authorities have the power to curtail strikes in “essential services,” although this power was used rarely in practice.

There are no special laws or exemptions from regular labor laws in the export processing zone in the port of Famagusta.

c. Prohibition of Forced or Compulsory Labor.—The authorities prohibited forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5). Legal and illegal migrant workers were subject to the nonpayment of wages, reduced payment of wages, beatings, and the threat of deportation (see section 6.e.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced the laws and policies to protect children from exploitation in the workplace.

The minimum age for employment in an “industrial undertaking” is 16 years, and children may be employed in apprentice positions at the age of 15. Although there were labor inspectors who enforced the law effectively, it was common in family-run shops for children to work after school and children as young as age 11 worked in orchards during school holidays.

e. Acceptable Conditions of Work.—The minimum wage of \$447 (Turkish new lira 594) per month did not provide a decent standard of living for a worker and family. Migrant workers were often offered substandard accommodation as part of their

compensation, or were made to pay a certain amount from their salaries for accommodation. The “Ministry of Labor and Social Security” is responsible for enforcing the minimum wage, and it was generally enforced. One NGO reported that legal foreign workers in general were paid below the minimum wage.

The legal maximum workweek was 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforced these laws, except in the case of migrant workers, who worked irregular hours and at times reportedly were required by their employers to work up to 14 hours per day, 7 days a week. The law requires overtime pay, but it was not uniformly enforced.

As part of an overall scheme to better regulate legal foreign workers, the “Ministry of Labor” and police officers routinely checked restaurants, hotels, nightclubs, casinos and construction sites to make sure that workers had valid work visas, that workers had signed a contract with their employer, and that working conditions were safe and sanitary.

The authorities enforced occupational safety and health regulations sporadically. Although factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed, workers who filed complaints did not receive satisfactory legal protection and could face dismissal. Workers did not have the legal right to remove themselves from situations that endangered health or safety without endangering their continued employment.

CZECH REPUBLIC

The Czech Republic is a constitutional democracy of approximately 10.2 million persons. The bicameral parliament elects as head of state a president, who then appoints a prime minister as head of government. Free and fair elections held in 2002 resulted in a coalition government led by the Social Democratic Party. Although civilian authorities generally maintained effective control of the security services, some members of the security forces committed human rights abuses.

The government generally respected and protected the human rights of its citizens; however, the following human rights problems were reported:

- occasional violence and use of excessive force by the police
- lengthy pretrial delays
- widespread corruption at all levels of government
- violence and discrimination against women and children
- trafficking in persons
- violence and discrimination against the Romani minority

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police occasionally used excessive force. Unlike in previous years, there were no reports that police mistreated Roma.

The office for the documentation and investigation of the crimes of communism (UDV) continued to investigate actions taken by government authorities and Communist Party members during the 1948–1989 Communist regime. According to the office, 25 former Communist-era secret police (StB) officers were prosecuted for their participation in antidissident raids in the Asanace operation (a concerted campaign of harassment, torture, and abuse directed at opponents of the Communist regime during the 1970s and 1980s). Eighteen former secret policemen were sentenced to prison, with two additional sentences still pending; five other cases were still under investigation. Since 1989 the government has convicted 90 former StB officials and sentenced 26 to prison.

In September two former secret police agents were charged with the torture and persecution of dissidents during the 1970s. The trial was pending at year’s end.

There were no developments in the case of police brutality alleged by a Briton and a New Zealander in April 2004. At year’s end no action had been taken on their appeal of the decision to dismiss the case for lack of evidence.

The police reportedly used excessive force against concert attendees in July (see section 2.b.).

In January two police officers, Marek Vrstil and Karel Berousek, were convicted of assaulting a Romani family in their home in Popovice u Jicina in 2003. One officer received a 20-month suspended sentence and 4 years' probation; the other received a 1-year suspended sentence and 3 years' probation. The judge stated at the sentencing that the prosecution had not adequately proven racial motives for the attack. In 2004 the three other police officers tried for the attack were found not guilty by the district court in Jicin.

The government increased awareness among police and prosecutors of racially and ethnically motivated crimes by integrating Roma-specific issues into training programs; gathering data on victimization rates; and researching anti-extremist strategies. Police and prosecutors showed greater awareness of the seriousness of crimes with racial and ethnic motivations, but observers nevertheless criticized the effectiveness and timeliness with which such crimes were investigated (see section 5).

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and overcrowding decreased during the year. The government permitted visits by independent human rights observers.

A July 2004 amendment to the law requiring half of an inmate's earnings from prison work to be returned to the government as reimbursement for damages, prison costs, or court costs spurred protest by roughly one-third of the one thousand inmates at Vinarice prison.

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 are responsible for enforcing the law and maintaining order and were generally effective in doing so. The internal security service, an intelligence and information gathering service with no powers of arrest, reports to parliament and to the prime minister. Police corruption was a problem. The Ministry of Interior oversees the police, and the ministry's inspectorate is responsible for investigating allegations of police misconduct. The government continued to implement police reforms that included oversight measures, improved methods for reporting corruption, and better education and training for police.

According to Ministry of Justice records, the government conducted 115 bribery investigations during the year and convicted 89 public officials of abuse of authority. Of the 107 officials convicted for all corruption-related offenses, only 8 were sentenced unconditionally, with sentences of up to 5 years in prison. Many observers were dissatisfied with the minor cases of corruption often pursued by investigators, and with the generally ineffective investigations and prosecutions of larger-scale malfeasance.

During the year the government continued efforts to recruit Roma to serve in law enforcement and to improve police relations with the Romani community (see section 5).

Arrest and Detention.—Persons suspected of crimes were apprehended openly, with warrants based on sufficient evidence and issued by a prosecutor, and brought before an independent judiciary. Police may detain persons without charge for up to 48 hours, during which time they have the right to counsel at government expense, although they may not contact family members. After 48 hours, police must have determination from a judge and prosecutor that the suspect will be charged before they can detain the suspect further. When the judge and prosecutor decide to charge the suspect, the suspect may contact family members. In some instances a judge may allow a person to be detained for up to 90 days before charges are formally filed to allow further criminal investigation ("investigative detention"). The law provides for bail except for certain serious crimes or to prevent witness tampering.

Lengthy pretrial detention was a problem. Under the law except for "exceptionally grave" offenses, pretrial detention may last no longer than two years. In practice the average length of pretrial detention during the year rose to 147 days, compared with 145 days in 2004. Thirty-five pretrial detainees were held for longer than 2 years, approximately 1.2 percent of all pretrial detainees. A suspect may petition investigating authorities at any time for release from detention.

Amnesty.—During the year the president granted 51 amnesties for persons released from prisons or detention centers.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision; however, judicial effectiveness was hampered by political influence, structural and procedural deficiencies,

and a lack of training and resources. There were allegations of judicial corruption, particularly surrounding bankruptcy and commercial courts. In April Usti nad Labem regional court judge Jiri Berka was arrested and charged with criminal conspiracy and other acts. The pretrial investigation was ongoing at year's end.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal, but a separate Constitutional Court adjudicates the constitutionality of legislation. Judges are nominated by the minister of justice and appointed for life by the president. The senate confirms Constitutional Court judges. Defendants may appeal the decisions of the district courts through several judicial layers to the Supreme Court. Noncriminal cases are handled by the administrative court system, of which the highest court is the supreme administrative court.

During the year several events occurred that damaged public perception of the judiciary's independence from improper political influence. In September long-time Chief State Prosecutor Marie Benesova was removed from her position following a series of disputes with Justice Minister Pavel Nemec. Benesova was widely respected for her tough stand against corruption, and her removal led to concern that future prosecutors may be insufficiently insulated from political pressures.

In August the government extradited a member of the Qatari royal family who had been a long-time resident of Prague and who had been convicted of four counts of sexual abuse of minors. The government did so despite concerns that he would not face serious punishment in Qatar, and many observers questioned the ability of victims to seek legal redress through the court system.

In January 2004 the Ministry of Justice established a new hotline for citizens to report suspected judicial corruption. Through October the hotline received and reviewed 57 calls during the year, compared with 263 in all of 2004. An additional 47 written complaints were received, compared with 137 in 2004. Of all corruption complaints received, 56 percent concerned judges, 9 percent involved prosecutors, and 19 percent concerned other officials. The ministry resolved 68 percent of all reports through a direct response; 17 percent were forwarded to the corruption police for further investigation.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, but juries are not used. Instead, a panel of judges rules on guilt or innocence in serious cases, with all other cases heard by a single judge. Defendants have the right to be present and to consult with an attorney in a timely manner and at state expense. Defendants may confront or question witnesses against them, and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants are presumed innocent and have a right of appeal. The law extends these rights to all citizens.

There is a significant backlog of cases. During the year the European Court for Human Rights (ECHR) received approximately one thousand complaints from Czech citizens, most related to the extended length of court proceedings.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice. However, there were reports of local governments using various methods to evict Romani residents. The government continued to investigate allegations of the forced sterilization of Romani women and prosecute accused perpetrators (see section 5).

Several cases involving the alleged involuntary sterilizations of Romani women proceeded in the courts. In September 2004 the European Roma Rights Center (ERRC) accused the government of continuing the forced sterilization policies of the former Communist regime. The ERRC and its partners asserted that this practice continued well after the fall of the regime and argued that often the victim's consent was either not obtained at all or was obtained under circumstances that rendered informed consent impossible.

Over the last 30 years a total of 78 women (10 of whom were non-Roma) have complained about forced sterilizations to the office of the ombudsman for human rights. During the year the ombudsman referred five cases against health systems workers and administrators for further criminal investigation and possible prosecution. Investigations were ongoing at year's end.

In November the district court in Ostrava ordered the Ostrava hospital to apologize to Helena Ferencikova, a Romani woman sterilized in 2001 following the birth of her second child. Ferencikova appealed the decision in order to seek monetary damages. The appeal was pending at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. In October the NGO Reporters Without Borders issued a report citing the country for its strong protection of press freedoms.

The law mandates prison sentences between six months and three years for persons who deny Communist crimes or the Nazi Holocaust. Speech inciting hatred based on race, religion, class, nationality, or other group affiliation is also illegal and carries a sentence of up to three years in prison.

The government can enforce legislation banning hate speech by stopping unauthorized concerts, gatherings, or activities (see section 2.b.). In two separate incidents in July and November, police halted neo-Nazi concerts in Zlata Olesnice and Libovske Udoli, respectively.

Denis Gerasimov, who was charged by police in January 2004 for having Nazi propaganda in his bag, was first found innocent in October 2004. His second trial concluded in April and resulted in another acquittal.

The independent media were active and expressed a wide variety of views without restrictions.

Observers criticized the December decision of Cesky Televis (the publicly funded, government-owned television station) to cancel *Bez Obalu*, a popular program of political satire. The cancellation immediately followed criticism of the show by Prime Minister Paroubek, who had been frequently satirized on the program. Although the station cited the cost of producing the show as a factor in the decision, it also stated that it had applied the same standard of political balance that is used for news broadcasts.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice; however, the government may legally restrict meetings that promote hatred and intolerance, advocate the suppression of individual or political rights, or jeopardize the safety of participants. Permits normally are required for demonstrations, but police did not interfere with spontaneous, peaceful demonstrations during the year.

The government may enforce legislation banning hate speech by stopping unauthorized concerts, gatherings, or activities (see section 2.a.). In July several hundred police in the western town of Mlynec forcefully dispersed individuals at an annual outdoor techno concert called “CzechTek” because the concert had not been adequately registered. Many nongovernmental organizations (NGOs) and observers alleged that police used excessive force in breaking up the concert. Dozens of injuries among both concertgoers and police resulted, and many fans were arrested. Following an outcry by media and human rights groups, the interior ministry initiated an investigation into the incident and cleared the police leadership of wrongdoing, although individual officers may face prosecution or disciplinary action at the conclusion of the investigation, which was ongoing at year’s end. Two of the 18 concertgoers detained by police were formally charged with acts of violence against police. Their cases were pending at year’s end.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the interior ministry. The law prohibits political party activities on university campuses but students are permitted to form their own political groups.

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

All religious groups officially registered with the culture ministry are eligible to receive limited tax benefits and government subsidies. In order to qualify for first-tier status, which provides tax exemption, groups must have 300 adult permanent resident members. If a group wishes to attain the second-tier registration level, which confers specific additional rights (such as teaching religion in state schools, delegating persons to perform clerical activities in the military, qualifying for government financial subsidies, and being entitled to perform marriages and establish church schools), the group is required to have been registered for 10 years and to obtain signatures equal to 1 per every 1,000 citizens based on the last census, or approximately 10,200 persons. Very few smaller or less-established religions were able to obtain the required signatures to obtain second-tier registration. Several unregistered religious groups have criticized the law as discriminatory against smaller religions. Religious organizations also have the option to register as a civic association rather than go through the tiered registration process. Religious groups reg-

istered prior to 1991, such as the small Jewish community, are not required to meet these conditions for registration. There are 26 officially recognized religious groups.

Unregistered religious groups may not legally own communal property, so they often formed civic-interest associations for this purpose. Unregistered religious groups otherwise were free to assemble and worship as they chose, and their members issued publications without interference.

There were no developments in the 2004 plans to construct mosques in Teplice and Orlova.

In January the supreme administrative court upheld the culture ministry's 2002 decision to abolish the state office that had administered confiscated Catholic Church lands since the late 1700s. According to Catholic Church officials, this point of contention with the government, along with several other issues, slowed progress in the resolution of restitution claims. Although the government was committed to the restitution of Jewish and Catholic property seized under Nazi or Communist governments, the restitution of Catholic property was extremely slow and contentious in practice.

Societal Abuses and Discrimination.—The country had a Jewish population of several thousand persons. There were a few anti-Semitic incidents during the year.

For example, in April vandals destroyed several tombstones in the Jewish cemetery in Hroznetin. Police investigation of the crime resulted in no arrests.

In February following charges of anti-Semitism by the Israeli ambassador, the local company Mountfield canceled a series of television advertisements featuring a derogatory and stereotypical portrayal of an orthodox Jew.

Following parliament's February 2004 approval of a law designating a Holocaust Remembrance Day, ceremonies were held on January 27 in Prague.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 78 persons during the year.

Current law establishes a list of "safe countries of origin" from which applicants are unlikely to be granted refugee status, but it does not automatically bar such applications. Applicants whose cases were denied could appeal to the appropriate regional court. In May parliament amended the law to require regional court decisions to be reviewed by a five-judge panel, which refers cases requiring further attention to the supreme administrative court. The amended law also stipulates that only exceptional cases may be appealed to the supreme administrative court following a rejection by the regional court. During the year over 4,000 persons applied for asylum, approximately 1,500 fewer than in 2004, continuing a downward trend that experts attributed to EU rules for applying for asylum. The government granted asylum to 251 persons, according to the interior ministry.

In August the Constitutional Court issued a decision that either asylum hearings be conducted in a language comprehensible to the applicant, or that the government provide an interpreter. This ruling was prompted by the appeal of Vasyl Petriv, who had been denied asylum in 2003 but asserted that he had not understood the proceedings, which were conducted in the Czech language. Petriv received asylum after the Constitutional Court ruling.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

Elections and Political Participation.—The most recent national elections were held in November 2004 for the senate, and were considered free and fair. Individuals and parties could freely declare their candidacy and stand for election.

In March the Romani Democratic Social Party was established to become involved in the coordination of government programs targeting Roma. In March the party announced its intention to field candidates in the 2006 general legislative elections.

Women and ethnic minorities were generally underrepresented in politics and government. There were 33 women in the 200-seat chamber of deputies and 10 women in the 81-seat senate. There were 2 women in the 20-member cabinet.

There were no members of minorities in the 200-seat chamber of deputies, the 81-seat senate, or the 20-member cabinet. One justice on the Constitutional Court was an ethnic Slovak. Of the estimated 150 thousand to 175 thousand Roma in the country, few were integrated into political life (see section 5). Few Roma served in local government, although some were appointed to advisory positions in government ministries, and each region appoints a Romani coordinator to monitor and mediate problems affecting the Romani community.

Government Corruption and Transparency.—Throughout the year corruption and abuse of office remained major problems.

Numerous polls highlighted public concern with corruption and low levels of public trust in the integrity and honesty of both government officials and political parties. The perception of widespread corruption and official abuse has fostered an environment of public mistrust of mainstream political parties. Transparency International reported that current procurement statutes were complicated and vulnerable to manipulation, that oversight mechanisms were weak, and that conflict of interest laws were generally ineffective. Biannual governance and anticorruption studies compiled by the World Bank have charted substantial and steady deterioration in the country since 1996 in indices of “government effectiveness,” “regulatory quality,” “rule of law,” and “control of corruption.”

On April 27, Prime Minister Stanislav Gross resigned in the midst of a corruption scandal over his ownership of a luxury apartment in Prague in spite of earning a modest government salary. During the subsequent controversy additional questions surfaced regarding other financial and business activities of both Gross and his family. Gross was replaced by Regional Development Minister Jiri Paroubek. The decision by police in December to close the case for lack of evidence was met with widespread public outcry.

In January the media reported that Gross, while serving as interior minister in 2002, had formed a special police unit that reported only to him and whose existence was concealed from parliament, the public, and other government entities. The unit operated in secrecy for two years, reportedly gathering information on political and business figures until its dissolution by the interior ministry.

In August Prime Minister Paroubek dismissed his chief aide, Jiri Dolezel, over allegations of corruption involving the privatization of the Unipetrol group. The aide reportedly solicited a \$200 thousand (approximately 5 million CZK) bribe during the sale of Unipetrol to a Polish company. In October Paroubek reluctantly authorized a parliamentary inquiry into the Unipetrol privatization. The investigation was ongoing at year’s end.

During the year the media exposed several appointees or associates of Gross and Paroubek as alleged or confirmed members of the former Communist secret police. These individuals held office despite a lustration (vetting) law prohibiting certain former Communist Party officials, People’s Militia members, and suspected secret police officials from holding a wide range of elected and appointed positions.

In October Marian Kus, a member of the ruling Social Democratic party executive committee, was forced to temporarily step down from his position during an investigation into charges that he had forged his lustration certificate, a document certifying that a person has been vetted by the government and (usually) cleared of cooperation with the Communist secret police.

A 2004 allegation that an opposition member of parliament had attempted to bribe another parliamentarian prior to a confidence vote in the government was investigated by police and dismissed for lack of evidence, with no action taken against either party.

In April 2004 18 customs officials working at the Moravia border were accused of accepting bribes of between \$6 and \$12 (151 to 302 CZK) from truck drivers seeking expedited inspections at the border. Their trial began in June and was ongoing at year’s end.

Seven government ministries (justice, interior, agriculture, finance, transport, and regional development) have hotlines for citizens to report instances of corruption and malfeasance by ministry employees. Three other agencies have set up email addresses specifically for the public to report corruption.

The Ministry of Interior received 6,019 emails and 450 calls to its hotline (compared to 6,334 emails and 480 calls in 2004); most were requests for information on corruption. Only 35 of these calls and emails reported corruption; 5 of these alleged police corruption, and 30 concerned officials in other ministries. The ministry forwarded these 35 to the corruption police for further investigation.

The law provides for public access to government information. The government provided such access in practice for citizens and noncitizens, including foreign media. No prohibitive fees were used, and applicants may appeal a decision about information release within 15 days of a decision or if the time limit for processing a request is exceeded.

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

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

In August the chamber of deputies expanded the powers of the government ombudsman, whose functions include the protection of human rights, including in cases involving people in jails, asylum institutions, and health and social institutions. The ombudsman can recommend, but not initiate, cases for prosecution or redress to other authorities.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, societal discrimination against women and Roma persisted, and trafficking in persons was a problem.

Women.—The extent of violence against women was difficult to assess, but recent studies indicated that the problem was more widespread than reflected in official statistics. A 2003 Czech Academy of Science poll indicated that 59 percent of female respondents had experienced violence at least once in their lives and that most of these assaults were unreported. Approximately 23 percent of these victims had told no one of the attack. The few women who did report the incidents credited police with recommending that they seek specialized treatment and legal advice in addition to filing a police report.

The law recognizes domestic violence as a distinct crime, and those who commit acts of violence against relatives or domestic partners may receive sentences of up to three years in prison and longer under aggravated circumstances. Government efforts to investigate and prosecute cases of domestic violence improved dramatically during the year. Police investigated 421 cases of domestic violence, resulting in 134 convictions. Unconditional sentences were handed down for 26 offenders; the rest received suspended sentences or other penalties, including fines. In 2004 108 cases were investigated, with only one conviction resulting. Police reported that investigations continued to be hampered by the reluctance of many victims to report domestic violence or to testify against their partners.

The law prohibits rape, including spousal rape, and the government effectively enforced these provisions in practice. The law provides penalties for rape of 2 to 15 years in prison.

Many experts consider rape dramatically underreported. In the first 6 months of the year, there were 257 reported rapes, all of which were investigated. Police investigated 422 alleged rapes, resulting in 157 convictions. Unconditional sentences were handed down to 94 offenders, 48 of whom received sentences of 5 to 15 years' imprisonment. Although the number of investigations and convictions declined slightly from 2004, experts noted an upward trend in the number of rape convictions since 2001, which they attributed to improved police training, public awareness campaigns, and greater interaction and cooperation of police with NGOs, all of which have gradually facilitated victims' willingness to report the crime and to testify in court.

Police continued to train a few specialized personnel in handling cases of domestic violence and working with social service agencies. The government provided police and other professionals with training materials to better identify cases of domestic violence and sexual abuse. Koordona, an association of 13 NGOs, issued materials for victims to inform them of their rights and options. NGOs continued to distribute a specialized training manual for health care workers.

Victims of rape and domestic abuse could seek psychological counseling through a number of hotlines and crisis centers. NGOs reported that 107 government-supported shelters for such victims were located in most major cities and towns. NGOs

also provided medical and social assistance to women on a local level. NGOs reported that there were not enough spaces available in shelters to meet the demand.

There were allegations during the year that forced sterilization of Romani women had taken place in previous years (see section 1.f.).

The law does not specifically prohibit prostitution, but it may be banned, limited, or regulated by local governments. Pimping is specifically prohibited. Prostitution was widespread in border areas and major cities throughout the country. NGOs reported that sex tourism was a problem and involved both female and male prostitutes, some of them juveniles.

Trafficking in women was a problem (see section 5, Trafficking).

The law prohibits sexual harassment; however, the government did not effectively enforce this provision in practice, and sexual harassment remained a problem. In August a survey commissioned by the labor and social affairs ministry found that 28 percent of women and 22 percent of men had experienced sexual harassment in the workplace. The report also indicated that sexually suggestive behavior was common in the workplace and often not considered harassment. A March 1 amendment to the law places the burden of proof on the person accused of sexual harassment. Those found guilty of sexual harassment can be fined up to approximately \$2,750 (70,000 CZK), dismissed from work, or sentenced to prison.

Women and men are equal under the law, including under family law, property law, and in the judicial system. Although women constituted approximately half of the labor force, they were more likely than men to be employed in professions with a lower median salary. According to recent statistics, women's median wages lagged behind those of men by almost 25 percent. The unemployment rate for women exceeded that for men, and a disproportionately small number of women held senior positions. The council for equal opportunities for men and women monitored gender issues and advised the government on its efforts to enforce equal gender rights.

Children.—The government is committed to children's right and welfare. The government provides free and compulsory education through age 15. The UN Children's Fund (UNICEF) reported a primary school enrollment rate of 90 percent from 2000 to 2004. Most children continued through secondary school. There were no statistics available on Romani attendance rates.

Girls and boys enjoyed equal access to government-provided health care and education at all levels.

Romani children were enrolled at disproportionately high rates in the remedial education system. However, the government continued taking steps to address the problem during the year. In May the ECHR heard a case brought by the ERRC on behalf of Romani students in Ostrava and other communities who were placed in remedial schools. The ECHR was unlikely to return a verdict following the government's announcement in January that it would abolish remedial schools. The government began closing certain remedial schools and integrating others by transferring slower students into new, "special" classes. NGOs reported mixed results with some regions effectively carrying out the new policy, while others suffered from an exodus of non-Romani Czechs.

Child abuse was a common problem. The law prohibits family violence, physical restraint, sexual abuse, and other forms of abuse of minors. During the year police investigated 643 cases, resulting in 845 offenders being prosecuted and 442 convicted under child negligence laws. In 2004 676 cases were investigated, resulting in 555 convictions. In 2004 676 cases were investigated, resulting in 555 convictions under child abandonment and endangerment laws. NGOs estimated that approximately 50 children died annually from domestic violence.

Although there were some reports that members of the Romani community married before reaching the legal age of 18, underage marriage was not a significant problem in the country.

The commercial sexual exploitation and trafficking of children was a problem (see section 5, Trafficking).

Children were engaged in prostitution for survival without third party involvement. NGOs have reported that many teenage prostitutes were either runaways or products of orphanages and the foster care system. Some NGOs asserted that orphanages did not prepare young teens adequately to be self-sufficient upon reaching legal adulthood. A special police team was formed in 2004 specifically to deal with the sexual exploitation of children in Cheb, a town on the German border where sex tourism was a problem.

Male adolescents, some as young as 13 years old, engaged in prostitution for survival. NGOs that worked with these children attributed the problem to a dysfunctional foster care system that failed to provide adequate job skills for a modern economy while preventing unwanted children from being adopted by capable parents.

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking to, from, and, to a smaller extent, within the country for sexual exploitation and forced labor was a problem.

Amendments passed in 2004 criminalize all forms of trafficking, including both internal and cross-border trafficking. Penalties for trafficking, including for the purpose of forced labor, include prison terms of 2 to 15 years and are generally commensurate with those for rape and sexual assault. Traffickers may also be prosecuted for organized prostitution and pimping, which are punishable by a prison term of up to 12 years if the victim is under the age of 15; however, penalties were significantly lower in practice.

The security policy department of the Ministry of Interior and the organized crime division of the national police had primary responsibility for combating trafficking, and worked to enhance coordination and cooperation with local and city police as well. The former first deputy of minister of the interior was assigned to be the national coordinator for trafficking issues. The security policy department was charged with collecting, analyzing, and reporting on all information relating to trafficking; monitoring the implementation of the national antitrafficking strategy; and overseeing all aspects of the model of support and protection of victims of trafficking in persons.

Although the government investigated and prosecuted cases of trafficking in persons, conviction rates were low. During the year police investigated 18 trafficking cases. Twelve of these cases were prosecuted, resulting in 20 convictions under the trafficking statute. Eight offenders received unconditional sentences of 1 to 5 years in prison, and 12 received suspended sentences. The authorities successfully prosecuted 12 traffickers in 2004, although only 3 of the convictions resulted in prison sentences of more than 1 year. During 2004 over 200 persons were charged with pimping, with 69 convictions resulting. Pimping charges were often used to prosecute traffickers because of the complexity of the trafficking statute.

The organized crime unit within the national police had a special department dedicated and specifically trained to combat trafficking in persons. The unit worked closely with its counterparts in Interpol and Europol, and also cooperated extensively with the European Union and other foreign countries in the investigation and prosecution of trafficking cases.

The country was increasingly a transit and destination country rather than a source country for trafficking victims. The majority of women trafficked into and through the country were from Ukraine, Russia, Belarus, Moldova, Lithuania, Romania, Bulgaria, Slovakia, China, and Vietnam; many were destined for the sex trade. They were usually trafficked onward into Western Europe and elsewhere, including the United States, sometimes via third countries. Czech women were trafficked into Western Europe (primarily Germany, Austria and the Netherlands) to work as prostitutes, though there have been cases of Czech victims as far away as Japan and Mexico. A small number of Czech women were trafficked to the United States. Foreign and Czech women and children were also trafficked within the country, often from areas of low employment, to Prague and the border regions with Germany and Austria and were occasionally sold from one organized trafficking unit to another. Small numbers of Czech men were trafficked to the United States for coerced labor.

Local sex trafficking victims were generally young women between 18 and 29 years of age from areas of high unemployment. Romani women were at the highest risk of being trafficked internally, often by a friend or relative. Girls raised in state-run homes, such as orphanages, were also at particular risk. According to government authorities, women already working as prostitutes were also particularly vulnerable to traffickers. Trafficked women were frequently offered jobs as models, maids, waitresses, and dancers through employment agencies and then forced into prostitution. Once in a destination country, traffickers ensured victims' compliance by confiscating their travel documents and using isolation, drug and alcohol dependence, violence, threats of violence toward the victim or her family, and the threat of arrest and deportation. Police reported that traffickers increasingly relied on violence to secure their victims' cooperation.

Labor trafficking remained a significant issue; the interior ministry reported that it was the most common form of trafficking in the country. The International Organization for Migration (IOM) and the NGO La Strada released a study during the year documenting victims from a wide variety of countries, including the former Soviet Union, South Asia, China, and Vietnam. Victims were both male and female and varied widely in age and in social and educational status. Local employers ranged from single families to local subsidiaries of major multinational European retail chains. The study carefully documented the highly sophisticated and organized nature of the organized crime syndicates that conducted trafficking oper-

ations. Although there were no available estimates of the numbers of victims trafficked into the country for labor, both government and NGO sources conceded that the problem was widespread.

Most traffickers were members of organized crime groups, often from Russia, Bulgaria, Ukraine, the former Yugoslavia, and East Asia, and worked in cooperation with local citizens. Domestic traffickers often served as a link between those in Russia and Ukraine and those in Western Europe.

There was no direct evidence of government complicity in, or tolerance of, trafficking in persons; however, NGOs suspected individual members of the border police of assisting illegal border crossings related to trafficking.

The government cooperated with IOM and NGOs to provide services to trafficking victims and to train police and investigators in how to handle trafficking cases.

The government provided psychological and social assistance to victims for 30 days; the victim had to decide within this period whether or not to cooperate with authorities. Victims who chose not to assist police with prosecution were offered voluntary return to their home countries; victims choosing to cooperate were eligible for residency visas for the duration of the criminal proceedings. Victims who cooperated with police were eligible at the end of criminal proceedings to apply for permanent residency on humanitarian grounds. By the end of the year 35 women had entered the model program and had contributed testimony or information against trafficking organizations.

Observers criticized the fact that trafficking victims who cooperated with investigations had limited opportunities to obtain permanent residency. NGOs pointed out that recent changes in the law made it much more difficult for trafficking victims to apply for asylum, which granted them legal status to remain until a ruling was made on their asylum case (which can take years), rather than to cooperate with authorities under the program and generally be returned to their home countries once proceedings were concluded. Though victims may apply for permanent residency at the conclusion of their cooperation with the police, it was not automatically granted; only a few victims had been awarded such residency. During the year the government improved police training on recognizing victims for referral to the program.

Because of the stigma attached to trafficking, victims were frequently hesitant to return to their families or seek social service providers.

The crime prevention division of the interior ministry continued to implement a national strategy against trafficking. The Ministry of Justice organized several training sessions in trafficking issues for judges and prosecutors, and the Ministry of Interior continued offering training to police.

The interior ministry worked with the IOM to produce a demand-reduction campaign targeted at consumers of sexually exploited women and children in the areas along the country's border with Germany. The progress of the project was slowed by the difficulty of collecting such sensitive information from clients of sexual services. The NGO Caritas visited schools and asylum and reception centers to conduct awareness campaigns among potential victims about the risks of trafficking and the entrapment and coercion strategies used by traffickers. Other NGOs which also received government funding, such as La Strada and Rozkos Bez Rizika (Pleasure Without Risk), conducted seminars and published and distributed literature about the dangers of trafficking.

In September the government created the interdisciplinary committee on trafficking, which includes representatives from various ministries and NGOs. The committee met for the first time in November to begin coordinating the implementation of various requirements of the national antitrafficking strategy.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the government generally enforced these provisions effectively; however, persons with disabilities were unemployed at disproportionately higher rates.

The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. Although access improved during the year, many buildings and modes of public transportation remained inaccessible. In Prague 26 of the 50 subway stations were wheelchair accessible; however, the majority of stations in the city center remained inaccessible. A growing number of bus lines and municipal tram lines were accessible to persons with disabilities. Most public schools lacked barrier-free access for students, although there was at least one barrier-free school in each district.

Following heavy international criticism from governments and NGOs for the use of caged beds in psychiatric facilities, the government decided in July 2004 to remove caged and netted beds from its mental health institutions by the end of that

year. However, the ban was not fully implemented in practice because the government did not fully fund the transition, and cage and netted beds were only replaced as more modern means of restraint were brought into service. By the end of the year all caged beds had been eliminated from health care facilities, but a small number of netted beds still remained. In May an amendment to the law was passed to severely limit the use of such beds, pending their replacement and removal from the system. The beds may only be used to protect the patient or others from injury, and institutions must carefully document their use and immediately notify the patient's legal representative. Although the new amendment established much stricter guidelines regarding the conditions and use of restraints, NGOs criticized the law for not specifying which forms of restraint were appropriate for psychiatric patients. Netted beds remained legal for use in long-term care facilities for adults and children. There were no official statistics as to the number of beds in use during the year. In 2004 the government reported that of 9,657 beds in the country's psychiatric facilities, approximately 20 were cage beds and 100 were netted beds.

In August the government approved a national plan to aid persons with disabilities. The plan was drafted with the participation of the government council for disabled citizens, a permanent advisory body responsible for protecting the rights of persons with disabilities. The government's initial efforts to implement the plan focused on improving the quality and responsiveness of social programs serving persons with disabilities.

National/Racial/Ethnic Minorities.—After ethnic Slovaks, the largest minority was the Romani population, estimated at between 150 thousand and 175 thousand persons. Roma faced disproportionately high levels of poverty, unemployment, inter-ethnic violence, and illiteracy. Despite constitutional prohibitions against discrimination, there was no framework to implement those provisions in the civil or criminal law. Roma continued to face discrimination from potential employers and local and school officials, with only incremental improvements in recent years.

During the year latent societal discrimination against Roma often manifested itself in incidents of violence. Members and sympathizers of skinhead organizations were the most frequent perpetrators of interethnic violence, particularly against Roma and other "dark-skinned" persons. An estimated seven thousand skinheads were active in the country, although some observers believed the actual figure was higher.

Unlike in previous years, there were no incidents of police violence against Roma.

In September three men attacked a Romani couple in Prague. The victims were treated at a local hospital; the perpetrators were arrested and charged with assault and with the suppression of human rights and freedoms. The case was still pending at year's end.

In May a Prague court awarded a Romani student approximately \$4 thousand (100 thousand CZK) as compensation for the brutal 2002 attack against him at a tram stop by four non-Romani youths.

There were no developments in the cases of assaults on Roma in Ostrava, Broumov, and Krnov in 2004.

The law prohibits employment discrimination based on ethnicity; however, Roma continued to face discrimination in both employment and education. Precise figures for unemployment among Roma were unavailable, but the rate was disproportionately high. Some employers refused to hire Roma and asked local labor offices not to send Romani applicants for advertised positions.

Continuing a trend from previous years, Roma were increasingly able to find redress in court in cases of employment discrimination. For example, in March a Prague court found the Scorpion Club fashion boutique guilty of racial discrimination for not considering a Romani applicant for an advertised job opening. The boutique had been videotaped refusing to consider Vera Dunkova for the position and, minutes later, offering job information to a non-Romani applicant. The court awarded Dunkova approximately \$1 thousand (25 thousand CZK) and ordered an apology from the boutique.

Roma also faced discrimination in housing and other areas of everyday life. Police responded to complaints that some restaurants, bars, and other public places refused service to Roma and posted signs prohibiting their entry. Human rights groups reported that some municipalities attempted to force Romani families to leave, employing such tactics as evicting them from municipally-owned homes for alleged lapses in rent payments or coercing them to sign agreements that they did not understand that were then used to curtail existing housing contracts. While the human rights commissioner publicly criticized these evictions, the law affords municipalities substantial autonomy in such actions.

In October the Bohomin mayor and local officials attempted to evict dozens of families (most of whom were Romani) from their apartments following the munic-

ipal purchase of their low-income hostel from its private owner. According to numerous NGOs, there were no provisions for adequate housing for the displaced families. When the action was challenged in the courts, several families were ultimately allowed to stay for the duration of the court case, but the town employed several coercive measures, such as shutting off the tenants' utilities and using private security guards to restrict access to the remaining families. Police did not intervene in the case. The issue was ultimately resolved when a compromise was brokered through NGOs to allow the relocation of the remaining families. At year's end, the town was seeking to collect payment from the families for the security guards the town employed at the site.

In March a regional court in Ostrava ordered the owner of a club that refused service to three Romani patrons to pay a \$1,200 (approximately 30,000 CZK) fine and apologize to the trio for lowering their human dignity. A waitress involved in the incident was also fined.

There were allegations during the year that forced sterilization of Romani women had taken place in previous years (see section 1.f.).

The interministerial commission for Roma community affairs, which included 12 government and 14 Romani representatives, as well as the commissioner for human rights and his deputy, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors. The commission also promoted antidiscrimination initiatives in housing and education. The Roma affairs coordinator of the Ministry of Foreign Affairs continued to function as the ministry's liaison with Romani groups, NGOs, and the diplomatic community.

Other Societal Abuses and Discrimination.—Homosexuals face occasional incidents of violence, usually in Prague where they are more visible. The government took a few steps to address prejudice against gays. In December the lower house of parliament passed a law that recognizes the legal validity of gay civil partnerships.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 20 percent of the workforce was unionized, and the trend of steady decline in union membership continued. Most union members belonged to unions affiliated with the Czech-Moravian Chamber of Trade Unions, a national umbrella organization.

The law prohibits antiunion discrimination; however, the government did not effectively enforce this provision, and union discrimination occurred. Common discriminatory practices included firing union leaders, denying union members entry to meetings between employees and management, refusing to provide office space for unions, forcing members to cancel their memberships, offering financial incentives to dissolve union organization within a company, disparaging unions in statements to employees, monitoring union members, and refusing to withhold union dues. If found guilty of antiunion discrimination, employers are required to reinstate workers fired for union activity, although the court procedure was generally slow.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The scope for collective bargaining was more limited for civil servants, whose wages were regulated by law. However, the International Confederation of Free Trade Unions reported in 2004 that some employers attempted to prevent workers from organizing by means of direct and indirect pressure and attempted to render collective agreements null and void.

Workers have the legal right to strike if mediation efforts fail, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, firefighting, and telecommunications; workers in these industries have access to mediation. The law requires unions to provide employers with a list of strikers at least one day before a strike. There were no major strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5). According to the labor ministry, approximately 300 North Korean women worked in extremely harsh conditions in garment and leather factories in several locations throughout the country. The women were kept in tightly controlled environments, and their earnings were deposited into an account controlled by the North Korean embassy. The labor ministry investigated their situa-

tion and concluded that although the situation was “troubling” in several aspects, the women were working voluntarily.

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws and policies to protect children from exploitation in the workplace. The law stipulates a minimum working age of 15 years, although children with disabilities who completed special schools could work at the age of 14 years. Employment conditions for children aged 15 to 18 were subject to strict safety standards. The Ministry of Labor and Social Affairs effectively enforced these regulations in practice.

The commercial sexual exploitation and trafficking of children was a problem (see section 5).

e. Acceptable Conditions of Work.—The labor ministry sets and enforces minimum wage standards. The national minimum wage was approximately \$287 (7,185 CZK) per month and provided a decent standard of living for a worker and family.

The law provides for a 40-hour workweek with at least 2 days of rest, and requires a paid break of at least 30 minutes during the standard 8-hour workday. Employers may establish up to eight hours per week of mandatory overtime, subject to the consent of the employee (in the form of the collective bargaining agreement or contract stipulating overtime), although the local employment office may permit additional mandatory overtime. Premium pay for overtime was dictated by the provisions of the employee’s contract. The labor ministry effectively enforced standards for working hours and breaks.

The office of labor safety effectively enforced health and safety standards. Workers have the right to refuse work endangering their life or health without risking the loss of their employment, and they exercised this right in practice.

DENMARK

Denmark, with a population of approximately 5.4 million, is a constitutional monarchy with democratic parliamentary rule. Queen Margrethe II is head of state. The cabinet, which is accountable to the unicameral Folketing (parliament), heads the government. The minority center-right coalition government led by the Liberal Party won a plurality of seats in the February 8 elections, which were deemed free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- domestic violence against women
- trafficking in women and children

RESPECT FOR HUMAN RIGHTS

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

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

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

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

In 2004 military authorities charged one active reserve member of its armed forces with dereliction of duty related to her allegedly improper interrogation of detainees. Military authorities also charged the commanding officer and three other soldiers in connection with the case. Court proceedings were ongoing at year’s end.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

Pretrial detainees were often held with convicted criminals.

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 Justice, have sole policing authority in the country. There are 54 police districts (plus the Faroe Islands and Greenland) and a national commissioner’s office. The minister of justice, with the approval of parliament, appoints the police chiefs

of each district and the national commissioner. Corruption was not a problem. There was increased police training in recognition, reporting, and investigation of racially motivated cases during the year.

Arrest and Detention.—A criminal action is initiated by the police, who are by law allowed to begin an investigation or make an arrest based upon visual evidence and do not need a warrant, or by charges or indictments filed by public prosecutors with the courts. The court may either summon the accused to appear or order that police arrest the accused based upon an application filed by a public prosecutor. If an individual is taken into custody, the law provides for an initial appearance before a judge within 24 hours, however, noncitizens may be detained for up to 72 hours before being given a court appearance. Authorities generally respected the right to a prompt judicial determination. The country does not have a bail system, rather, a judge decides within the first 24 hours of detention, either to release the detainee on his or her own recognizance or if deemed a risk to keep the detainee in jail until a trial is held. Arrestees have the right to counsel at the initial hearing, and the government provided counsel for those who could not afford representation. The law does not allow any visitors during the first 24 hours of detention except for legal counsel. However, depending upon the charges, the police generally did not restrict visitor access in practice.

There were no reports of political detainees.

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

The judicial system consists of local courts, which hear cases in the first instance, regional courts which address appeals, and the Supreme Court, which is the highest and final court of appeal.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are required for criminal cases in which the maximum penalty is greater than four years' imprisonment. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

The Evangelical Lutheran Church, which was subsidized by the government, was the official state church and enjoyed some privileges not available to other faiths. While the government does not require that religious groups be licensed, the government's permission is required for religious ceremonies, such as weddings, to have civil validity.

Religious history, with special emphasis on the Evangelical Lutheran faith, was taught in public schools, but students may withdraw from religious classes with parental consent.

Societal Abuses and Discrimination.—The law provides protection against discrimination against religious minorities; however, societal discrimination against religious minorities was difficult to distinguish from discrimination against ethnic minorities. There were isolated incidents of anti-immigrant (mainly Muslim and African) graffiti, desecration of ethnic minority gravesites and low-level assaults as well as some denial of service and hiring on racial grounds. The government criticized the incidents, investigated several, and brought some cases to trial.

In January nearly 100 Muslim graves were desecrated in Venstre Kirkegaard (Cemetery) in Copenhagen. Nearly 50 headstones were pushed over and unknown vandals smashed another 50. The vandals only targeted Muslim headstones, leaving the Christian headstones in the cemetery untouched. The police investigated the scene but could not find enough evidence to pursue charges.

The Jewish population is estimated at seven thousand persons. There were isolated incidents of anti-Semitism, primarily by immigrants. Most involved vandalism, such as graffiti, or nonviolent verbal assaults.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to certain individuals who fall outside the definition of the 1951 UN convention and the 1967 protocol and provided protection to approximately 315 persons during the year.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home-rule governments whose powers encompass all matters, except foreign and national security affairs, police services, the judiciary, and monetary matters. Greenlanders and Faroese are citizens with the same rights as those in the rest of the country. Each territory elects two representatives to the parliament.

Elections and Political Participation.—Prime Minister Anders Fogh Rasmussen, leader of the Liberal Party, was re-elected in February in free and fair elections.

On November 15, free and fair municipal elections were held following the implementation of a structural reform, which reduced the number of municipalities from 271 to 98. Five regional councils replaced the former local governance structure, which had been made up of 14 counties. The number of municipal newly elected council members from ethnic minority backgrounds showed a significant increase.

There were 65 women in the 179-seat parliament, and 5 women in the 19-seat cabinet. Women also accounted for 44 percent of the newly elected public council board and committee members.

There were 3 members of minorities in the 179-seat parliament. There were no members of minorities in the 19-seat cabinet.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year.

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

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

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

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, violence against women and trafficking in persons were problems.

Women.—Violence against women, including spousal abuse, remained a problem. In 2004 the Institute for Public Health estimated that at least 64 thousand women were exposed to domestic violence in 2003 and that domestic violence affected 30 thousand children. The National Organization of Shelters for Battered Women and their Children reported that in 2004 shelters provided a safe haven for 3,512 women and children; 30 percent of the women supported were not citizens.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. There were 562 reported rapes resulting in 386 official charges for rape in 2004, and there were 361 during the first nine months of the year.

Prostitution was legal, but subject to restrictions; pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking were illegal. According to an April report published by the Ministry for Social Welfare and Gender Equality, an estimated 3,750 persons worked in legal prostitution in 2004, while an unknown number participated in illegal prostitution including streetwalking.

Trafficking in women was a problem (see section 5, Trafficking).

The law prohibits sexual harassment and provides for awards of monetary compensation for victims of sexual harassment. The government effectively enforced the law, and there were few reported cases during the year.

Women had the same legal status as men, including under family law, property law, and in the judicial system. The law requires equal pay for equal work but, in practice, female workers earned approximately 14 percent less than their male counterparts. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. The government's interagency gender-mainstreaming project promoted gender equality in government agencies through an interagency steering committee of managers which oversaw gender mainstreaming initiatives. It also provided administrators with education and tools related to gender mainstreaming and published individual ministry projects on the ministry of gender equality's Web site.

Children.—The government was strongly committed to children's rights and welfare. Education was compulsory through the ninth grade and free through the university level; school attendance was nearly universal. Slightly more women than men completed postsecondary education.

Medical care was free and boys and girls had equal access.

In October the UN's Committee of the Rights of the Child published its concluding observations on the country's implementation of provisions of the Convention on the Rights of the Child. Among other observations the committee expressed its concern regarding de facto discrimination against, and racist attitudes toward, children of ethnic minorities and migrant families as well as refugee and asylum-seeking families.

There were some reports of child abuse.

Trafficking in children was a problem (see section 5, Trafficking).

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to the country. The law criminalizes trafficking and provides for a maximum prison term of eight years for those convicted of trafficking in persons. During the first 9 months of the year there was 1 conviction under the trafficking in person's law, while another 23 cases against pimping have been initiated in connection with trafficking cases.

A Ukrainian woman was serving a one-year prison sentence for a 2004 trafficking in persons conviction.

The national commissioner for police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained its officers to recognize and investigate trafficking cases. The government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

The country was both a destination and a transit point for women and children who were trafficked from the former Soviet Union, Eastern Europe, Thailand, and Africa for the purposes of sexual exploitation and occasionally to work as thieves.

Traffickers lured victims with the prospect of higher wages and a better life, then forced them into prostitution, often withholding their passports. Authorities suspected traffickers had ties to organized crime, specifically in Russia and the Baltic countries, and subjected them to police investigations and prosecutions.

According to the national police, trafficking victims generally returned voluntarily to their home countries with nongovernmental organization (NGO) support and were not officially deported nor prosecuted for immigration violations.

In September the Ministry of Social Affairs and Gender Equality officially added trafficking in children as an appendix to the government's action plan to combat

trafficking in women, published in 2002. The initiatives of the appendix are divided into two areas, support for victims and prevention of child trafficking.

The government funded three NGOs that provided social, medical, and legal services to trafficking victims. Government funding was also used for NGO outreach programs as well as hotlines to support victims, prevent trafficking, and gather data on the extent of the problem. The ministry of social affairs and gender equality conducted an antitrafficking advertising campaign in all major newspapers, subsidized a hotline and website, and funded an NGO program to identify trafficking victims and provide them with information on how they can get help.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced it in practice. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. The responsibility for protection of the rights of persons with disabilities is shared by all government ministries. The Danish Disability Council, a government-funded organization, monitored the status of persons with disabilities in the country and advised the government and the parliament on issues relating to disability policy. The Equal Opportunities Center for Disabled Persons is a government-funded entity, which alerts the government to and documents, inequalities in society related to persons with disabilities.

National/Racial/Ethnic Minorities.—According to the Police Intelligence Service, during the year there were 48 cases of racial discrimination or racially motivated violence reported to the authorities; however, some incidents went unreported. Reported cases involved graffiti, vandalism, theft, and racist Internet and written messages. The victims were Jews and “people of an ethnic origin other than Danish” (usually meaning Muslims or Africans). Minority group members were also sometimes the perpetrators of the incidents. The government effectively investigated and dealt with cases of racially motivated violence.

The inflow of ethnically and racially diverse refugees and immigrants (mostly Iraqis, Palestinians, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was reflected in press reports on the failure of the immigrants to integrate and on the correlation between immigration and crime levels.

Indigenous People.—The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland’s legal system seeks to accommodate Inuit customs, and it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they were encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Greenlandic and Danish languages.

Section 6. Worker Rights

a. The Right of Association.—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 78 percent of wage earners belonged to unions that were independent of the government and political parties.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference and the government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Approximately 83 percent of the workforce was covered by collective bargaining agreements. These collective bargaining agreements also indirectly influence wages and working conditions for the remaining percentage of the workforce. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws and policies prohibit the exploitation of children in the workplace, and the government effectively enforced these laws and policies in practice.

The minimum legal age for full-time employment is 15 years. The law sets a minimum age for part-time employment of 13 years; however, school-age children are limited to less strenuous tasks. The law contains provisions that limit work hours and sets occupational health and safety restrictions for children. Trafficking in children occurred (see section 5). The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor.

e. Acceptable Conditions of Work.—The law does not mandate a national minimum wage; however, the average net wage including pension benefits of adult workers in 2004 was \$29 (177 Danish Kroner) per hour, which was sufficient to provide a decent standard of living for a worker and family.

Workers generally worked a 37-hour workweek, which was established by contract, not by law. Workers were not subjected to compulsory overtime, and received premium pay for overtime. Working hours are decided by collective bargaining agreements, which adhere to the European Union directive that stipulates that an average work week not exceed 48 hours.

The law also prescribes conditions of work, including safety and health; the DWES ensured compliance with labor legislation. During the year the DWES conducted approximately 58 thousand company screenings and inspections, which resulted in 23,500 notices of varying severity for required improvements. Workers may remove themselves from hazardous situations without jeopardizing their employment, and authorities effectively enforced this right in practice. Similar work conditions were found in Greenland and the Faroes, except that the workweek was established by contract at 40 hours.

ESTONIA

Estonia, with a population of 1.4 million, is a constitutional parliamentary democracy with a unicameral legislature (parliament), a prime minister as head of government, and a president as head of state. Free and fair parliamentary elections were held in March 2003. In March Prime Minister Juhan Parts resigned and in April a coalition government, consisting of the Center, Reform, and People's Union parties with a new prime minister, Andrus Ansip, took office. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. The following human rights problems were reported:

- police abuse of detainees
- poor prison conditions
- domestic violence
- child abuse

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police used excessive physical force and verbal abuse during the arrest and questioning of suspects. In September a retired individual accused local police officers of using excessive force on him. The police initiated an official investigation, which determined that the police officers had acted according to the rules.

In August 2004 three suspects claimed they were abused upon arrest by police officers. The suspects sought criminal charges against the officers, but following an investigation the case was closed when it was determined that no criminal act had taken place.

In 2003 the court brought charges against two police officers for use of excessive force. In the spring the Jarva rural court found the police officers guilty and sentenced them to two years' probation. In June the Tallinn district court reversed the Jarva rural court's decision.

In June the Tallinn district court sentenced three former police officers to probation with terms ranging from six months to three and a half years for the use of excessive force on several occasions in 2001.

In December a murder suspect accused police officers in the media of the use of excessive force at the time of his arrest. The police had initiated an official investigation at year's end.

There were 15 pending investigations related to the use of excessive force by police officers at year's end.

Prison and Detention Center Conditions.—Prison conditions remained poor and overcrowding continued in the majority of prisons for men. However, the government established school facilities for underage pretrial detainees at Tartu prison and renovated facilities at the Viljandi prison during the year.

In November the Legal Chancellor-Ombudsman drew officials' attention not only to the poor and unsanitary conditions of the detention houses in North-East Estonia, but also to the degrading treatment of detainees there. The detention houses were overcrowded, and adults and juveniles were not separated.

The government permitted prison visits by independent human rights observers; however, no visits occurred during the year.

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

Role of the Police and Security Apparatus.—The national police, security police, tax and customs board, and national border guard have responsibility for law enforcement and maintenance of order. The police, security police and national border guard are subordinate to the Ministry of Internal Affairs. The tax and customs board is subordinate to the Ministry of Finance. Prison personnel are subordinate to the Ministry of Justice. The army is responsible for external security but also has domestic security responsibilities in case of threat to the constitutional order of the country. The police board is the central and supervisory authority, which manages, directs, and coordinates the activities of police agencies under its administration. There are three police agencies and four regional police prefectures. Corruption was generally not a problem, but there were reports of corruption among the traffic police. The state prosecutor's office was investigating cases in which 26 traffic police officers had been involved with taking bribes. Impunity was generally not a problem. When an allegation of police abuse is made, the internal control department of the police investigates and reports its findings. If the allegations are substantiated, the police initiate disciplinary procedures against the responsible officer, such as suspension. If warranted, prosecutors initiate criminal proceedings against the officer.

Arrest and Detention.—Under the law, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest. There is a functioning bail system. A person may be held for 48 hours without being charged formally; further detention requires a court order. Police rarely violated these limits. Detainees must be given immediate access to legal counsel, and if indigent, the government pays for legal counsel. A person may be held in pretrial detention for 2 months, which may be extended for a total of 12 months by court order.

There were no reports of political detainees.

Lengthy pretrial detention was a concern. Approximately 23 percent of the prison population was in pretrial detention and the average length of pretrial detention was 7 months.

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

The judiciary operates through a three-tier court system: rural and city courts, district courts, and the Supreme Court. The district courts and Supreme Court are also courts for "constitutional supervision."

Trial Procedures.—Trials are public and a judge and public assessors are used. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided for indigents at public expense. Defendants can confront or question witnesses against them and/or present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The law extends the above rights to all residents, whether or not they are citizens.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

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 Assembly.—The authorities had wide discretion to prohibit public gatherings on public safety grounds but seldom did so.

Freedom of Association.—Noncitizens are prohibited from joining political parties; although they may form social groups (see section 3).

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

The law regulates the activities of religious associations, and the statutes of churches, congregations, and unions of congregations are registered at the city courts. To be registered, the law requires all religious organizations to have at least 12 members. Leaders of religious organizations must be citizens with at least five years' residence in the country.

Relations between the various religious communities generally were amicable; however, differences over the disposition of Orthodox Church property continued between the Estonian Apostolic Orthodox Church and the Estonian Orthodox Church under the Moscow Patriarchy.

Societal Abuses and Discrimination.—Two graveyards were vandalized during the year. In March a vandal knocked down three tombstones and damaged one in a Johvi cemetery. Authorities initiated misdemeanor proceedings. In May two vandals knocked down 35 stone crosses in a German War cemetery in Narva. The vandals were caught and they pled guilty; the prosecutors have requested probation for one year. The case was pending at year's end. In July a drunken minor broke five stained glass windows of Viljandi St. Paul's Church and was fined. In April a fire was set to the library of Tartu St. Paul's Church as a result of which many valuable volumes of church literature were destroyed. The police took a suspect into custody. A police investigation was ongoing at year's end.

In June a district court convicted and fined a person guilty of publicly incited social hatred on the basis of national origin, race, or religion because he wrote an essay in 1995 that called for destroying all Christians, Jews, and churches. His appeal to the Supreme Court was pending at year's end.

There is a 2,500 person Jewish community. There were no reports of anti-Semitic acts during the year.

In August a city court fined a person for making anti-Semitic comments over the Internet. In September a district court let the decision stand, and in December the Supreme Court also let it stand.

The government continued to observe the annual Holocaust and Other Crimes against Humanity Victims' Memorial Day. The country is a liaison member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research. During the year the government provided more than 200 schools with a 30-minute film about Holocaust history. In August the government, together with the task force, supported a seminar for history teachers to discuss best practices for teaching the Holocaust in schools.

For a more detailed discussion, see the *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The government did not restrict the right of noncitizen residents—persons who are citizens of another country or stateless persons—to foreign travel, emigration, or repatriation, although some noncitizens complained of delays in obtaining travel documents. The Legal Chancellor-Ombudsman received such complaints during the year (see section 4).

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum during the year, because no applicants qualified in accordance with the 1951 UN convention or 1967 protocol.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol and provided it to one person during the year.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The country has a “safe country of origin or transit” policy.

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

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

Elections and Political Participation.—Parliamentary elections, last held in 2003, were free and fair and led to the formation of a three-party coalition government comprised of the Res Publica, Reform, and People’s Union parties. The coalition dissolved in April, ostensibly over a dispute concerning anticorruption policies being pursued by the then minister of justice. Under the constitution the president appointed a new candidate for prime minister who formed a new coalition. The new coalition government, formed by the Center, Reform and People’s Union parties, then took office. Only citizens may vote in parliamentary elections and be members of political parties. However, resident noncitizens and those who have lived permanently in the area for at least five years preceding the election may vote in local elections, although they may not run for office.

There were 20 women in the 101-seat parliament. There were 2 women in the 13-member cabinet.

There were 9 members of ethnic minorities in the 101-seat parliament.

Government Corruption and Transparency.—There were isolated reports of government corruption during the reporting period. For example, in March a county governor was fined for concluding agreements with two foundations and a non-governmental organization (NGO) on whose boards he was sitting. In September a former information technology (IT) department chief of a government ministry was convicted for taking bribes from persons whose companies were later able to win state tenders and other offers concerning IT equipment for the ministry. He was given a suspended sentence of six months, with three years’ probation. He also was required to return the funds he illicitly obtained to the government.

The law provides the public access to government information and allows for monitoring of the public sector’s performance. The government provided access for citizens in practice.

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

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

The Human Rights Institute, which received a small amount of government funding, monitored human rights and provided information to the international community. It investigated reports of human rights violations, such as allegations of police abuse and the inhumane treatment of detainees. The institute operated an information center in Johvi, in the northeastern part of the country where the Russian speaking community is in the majority.

A presidentially established roundtable, composed of representatives from parliament, the Union of Estonian National Minorities, and the Russian-speaking population’s Representative Assembly, discussed and made recommendations on social integration issues, as did an analogous but independent roundtable that met monthly. The roundtable made recommendations, for example, to the Integration Foundation, which took these recommendations into account in the 2000–2007 integration program. However, not all of the roundtable’s recommendations were implemented. In some cases the roundtable served to highlight general policy concerns that can be addressed only over a period of time. The Legal Chancellor-Ombudsman, who also operated a branch office in the heavily ethnic Russian northeastern town of Narva, handled complaints by private citizens against state institutions.

All residents, whether citizens or not, could file a complaint directly to the Chancellor-Ombudsman about alleged violations of human or constitutional rights. Complaints against government agencies, officials, and local authorities concerned property reform and restitution, education, transportation, court findings, and the right to employment, as well as social and housing rights. If the Chancellor-Ombudsman finds that particular legislation is in conflict with the constitution, the body responsible for passage of said legislation may be required to bring it into conformity with the constitution within 20 days. The Legal Chancellor-Ombudsman generally acted

on cases by proposing changes in legislation and developing proposals to eliminate violations of law. The Legal Chancellor-Ombudsman proposes changes to legislation, but he cannot initiate legislation. He has proposed legislation ranging from campaign advertising reform to health care issues.

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

The law prohibits discrimination for any reason, and the government generally enforced it. However, violence against women and child abuse were problems.

Women.—Violence against women, including spousal abuse, was a problem. The law prohibits physical abuse but does not differentiate between acts committed against men, women, or children. The police reported more than 3 thousand cases of domestic violence during the year. According to NGOs one in five women suffered from physical, sexual, or emotional domestic violence, and NGOs consider domestic violence a serious problem. Domestic violence is punishable by a fine or up to three years' imprisonment, if it was longstanding and unremitting violence, up to five years' imprisonment. In more than 700 cases persons were convicted for domestic violence during the year. Victims of domestic violence may obtain help, counseling and legal assistance from local social workers and specialized NGOs.

Rape, including spousal rape, is illegal and was prosecuted under the law. The sentence for rape is up to 15 years' imprisonment. During the year, police reported 137 rapes and 22 attempted rapes. By year's end 46 persons were convicted of rape.

Prostitution is not illegal and was common, but pimping is illegal.

There were reports that women were trafficked for purposes of sexual exploitation (see section 5, trafficking).

The law prohibits sexual harassment. Sexual harassment in the workplace occurred but was not considered a serious problem. According to the law, disputes are to be resolved in court, in an administrative hearing by the Legal Chancellor-Ombudsman, or by the Gender Equality Commissioner. An injured party may demand compensation for damage and termination of the harmful activity.

Although women have the same legal rights as men under the law and are entitled to equal pay for equal work, this was not the case in practice. While women's average educational level was higher than that of men, their average pay was generally lower, and there continued to be female- and male-dominated professions.

In September the government opened the gender equality office. During August and September 300 civil servants from various ministries and state agencies took part in gender equality training provided by the government.

Children.—The government was committed to children's rights and welfare.

Under the law, school attendance is mandatory and free from the age of 7 until students complete basic education, generally nine years total or until they reach 17 years of age. Approximately 98.7 percent of school-age children attended school. According to the government's Statistical Office, the highest level of education achieved by most students was high school, plus two years of higher education.

The government provided free medical care for children and subsidized school meals. Boys and girls had equal access.

Child abuse was a problem. Police reported 781 cases of violence against children, including domestic violence, and 123 cases of school violence during the year.

During the year there were 70 reports of rape and 7 attempted rapes committed against minors. The police registered 131 cases of sexual abuse committed against persons less than 18 years of age, which included 53 cases involving victims below the age of 14. By year's end 49 persons were convicted of different sexual assaults of minors.

There were reports of child prostitution.

Trafficking of children for sexual exploitation was a problem (see section 5, Trafficking).

Trafficking in Persons.—There were reports that the country was a source, transit point, and destination for a small number of internationally and domestically trafficked women and children.

Although there is no specific law criminalizing all forms of trafficking, traffickers can be prosecuted under the law prohibiting enslavement and abduction. The maximum penalty is 12 years' imprisonment. In February the government prosecuted its first antitrafficking case under the enslavement statute, convicting four traffickers and sentencing them to from two years' probation to four years' imprisonment. The courts convicted five remaining persons involved in the case under other statutes such as forcing minors into prostitution and pimping, and sentenced them to conditional probation. Law enforcement investigated an additional 10 trafficking-related cases during the year. The ministries of interior, of social affairs, of foreign affairs, and of justice are responsible for combating trafficking. The government par-

ticipated in the work of the Nordic and Baltic Task Force on trafficking in persons. The government actively participated in antitrafficking activities within the European Union, the Organization of Security and Cooperation in Europe, CBSS, Nordic Council of Ministers, and the Council of Europe.

A recent study carried out by the International Organization for Migration (IOM) in which more than 160 domestic and international sources (including EUROPOL, INTERPOL, law enforcement, NGOs, IOM, and governmental ministries from the region) participated, estimates that the number of women and children trafficked into, through, and from the country between 2001 and 2004 was below 100. Women and minors were trafficked from the country to Nordic countries and Western Europe or in or to Estonia for sexual exploitation.

The trafficking pattern appeared to be unchanged from recent years. Travel-friendly regulations, short distances, low travel costs, and the draw of legitimate employment make the Nordic and EU countries easier destination points for traffickers. The traffickers were individuals, small groups, and organized criminals who ran the prostitution industry and mainly lured victims with the promise of legitimate employment and/or the opportunity to live and study abroad. The traffickers tended to befriend the victims or attempted to pass themselves off as legitimate job mediators. Due to fairly liberal travel regulations around the region, false documentation was not always necessary.

The law provides protection as well as legal and medical compensation rights to victims of all crimes, including trafficking; but there was no evidence that this occurred for trafficking victims in practice. Each county had an assigned victim assistant who was able to provide trafficking and other victims access to the public assistance system. These assistants received trafficking in persons-specific training during the reporting period.

A trafficking hotline operated by one NGO generated over 400 calls. Of the callers, 24 percent wanted to learn how to find a job abroad and 1 percent about studying possibilities abroad; 16 percent wanted to know whether job mediation companies offering overseas employment were licensed; 8 percent asked about issues in the mass media; 8 percent asked informational questions; 1 percent asked about marriages with foreigners; 4 percent about divorce with a foreigner; 1 percent how to get a residence permit abroad; 1 percent about domestic violence; and 1 percent had to do with private travel abroad. Three percent of the calls came from relatives; 16 percent were repeat calls; 7 percent of the calls came from governmental organizations and other NGOs; and the remainder was classified as "other".

The Ministry of Social Affairs conducted a series of lectures for state officials, local governments, members of the Defense Forces serving as peace keepers abroad, employees unions, social workers, women's organizations, journalists, and victim assistance workers on prostitution and trafficking. In April the Ministry of Foreign Affairs organized consular officer training specifically tailored to teach consuls how to assist trafficking in persons victims who had been trafficked abroad. Over 100 teachers, school counselors, school psychologists, youth social workers, and career counselors participated in five training courses designed to address the prevention of youth trafficking.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services and the government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; older buildings were inaccessible in practice, although new or renovated buildings were generally accessible. During the year, the government increased rehabilitation services and technical equipment support for persons with disabilities. The Ministry of Social Affairs was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Non-ethnic Estonians, predominantly ethnic Russians, made up less than one-third of the population. Approximately 40 percent of non-ethnic Estonian residents were born in the country.

A court case, which involved Internet comments by a private citizen that publicly incited hatred and violence and were anti-Semitic, ended with a fine (see section 2.c.).

The police have started an investigation involving remarks in the media publicly inciting hatred on the basis of nationality.

The law provides for the protection of cultures of minority group citizens; however, some noncitizens alleged that it is discriminatory because it restricts cultural autonomy only to citizens. In districts where more than one-half of the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in that language.

The law requiring knowledge of the Estonian language prior to citizenship mandates that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must use the Estonian language, with actual proficiency determined through examination. Nonethnic Estonian residents who have obtained at least primary education proficiency in the Estonian language are exempted from the requirement to pass a language examination. Some noncitizen residents, particularly ethnic Russians, continued to allege job and salary discrimination because of the language requirements.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right for workers to form and join a union or employee association, although some workers found it difficult to exercise this right in practice. Approximately 10 percent of the total workforce belonged to trade unions. The law prohibits antiunion discrimination; however, the Confederation of Estonian Trade Unions (EAKL) continued to report antiunion behavior in the private sector. The journalists' union reported antiunion discrimination in the media sector during the year.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference and the government protected this right in practice. Collective bargaining is protected by law and was freely practiced. The contracts covered approximately 15 percent of workers, including some nonunion members. The law provides for the right to strike, and workers exercised this right in practice. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws and policies to protect children from exploitation in the workplace.

The law sets the minimum age for employment at 18 years, although children age 15 to 17 may work with the consent of a parent or guardian, and children age 13 to 15 may work with the consent of a parent or guardian and a labor inspector. Children under the age of 18 may not perform hazardous or dangerous work. The law limits the hours that children can work and prohibits overtime or night work. The labor inspectorate was responsible for enforcing these laws, and did so in practice. There were no separate inspections regarding the age of child workers.

e. Acceptable Conditions of Work.—The national monthly minimum wage of approximately \$218 (2,690 EEK) did not provide a decent standard of living for a worker and family; however, approximately 94 percent of the workforce earned above the minimum wage.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week for those working in shifts. Reduced working time is required for minors and for employees who perform underground work, work that poses a health hazard, or work of an otherwise special nature. Work hours, including overtime, may not exceed an average of 48 hours per week. Overtime pay shall not be less than 150 percent of the hourly wage rate of the employee. These requirements were effectively enforced.

The government set occupational health and safety standards. The labor inspectorate, health protection inspectorate, and technical inspectorate were responsible for enforcement of these standards and enforced them effectively. Workers have the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment, and they exercised this right in practice. Labor inspectors cited employers 2,812 times during the first 9 months of year. Two thirds of the citations were given for violations of requirements regarding occupational health and safety and one third for violating labor relations. Compliance with these citations was mandatory for employers. The labor inspectorate carried out two-week campaigns in June and in September-October for construction workers to draw attention to different risks at construction sites in order to reduce the number of accidents.

FINLAND

Finland is a constitutional republic of 5.2 million persons with a directly elected head of state (president), a parliament, a head of government (prime minister), and an independent judiciary. The March 2003 elections to the 200-seat parliament were

free and fair and resulted in the formation of a new coalition government led by the Center Party. Civilian authorities generally maintained effective control of all military and security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported:

- anti-Semitic incidents
- violence against women
- trafficking in persons
- discrimination against immigrants and Roma

RESPECT FOR HUMAN RIGHTS

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

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

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

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

There were reports of police discrimination against immigrants (see section 5).

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

Overpopulation of prison facilities complicated efforts to deal with the drug problem. Of the nearly four thousand inmates in the country's prisons, 70 percent were estimated by the government to be drug addicts and in need of rehabilitation.

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 force is centralized under the control of the Ministry of the Interior, which also controls various other law enforcement organizations such as the frontier guards, customs and immigration agencies, the national bureau for investigation (NBI), and the security police. These organizations carried out their responsibilities for law enforcement and maintenance of order, but chronic underfunding sometimes compromised their effectiveness. Law enforcement organizations maintained internal investigation units that examined allegations of police abuse or misconduct. Corruption was not a problem during the year.

Arrest and Detention.—A warrant issued by a prosecutor is required for an arrest. If an individual is arrested while committing a crime, a warrant must be obtained within three days. Once arrested, the accused must receive a court hearing within three days. Detainees were promptly informed of the charges against them, and lawyers were provided for the indigent. These legal provisions were generally enforced in practice. There is no system of bail, but most defendants awaiting trial were eligible for conditional release based on personal recognizance. Criminal detainees were allowed prompt access to counsel and family. There were no reports of preventive detention, which was allowed only in exceptional circumstances, such as during a declared state of war, or for narrowly defined offenses, including treason, mutiny, and large-scale arms trafficking.

There were no reports of political detainees.

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

The judiciary consists of the supreme court, the supreme administrative court, and a system of lower courts. The president appoints supreme court justices, who in turn appoint the lower court judges. Rulings of the 61 district courts can normally be appealed to the 6 appellate courts, which are courts of first instance in matters of treason and certain offenses of public office. The supreme court rules on the appeals of appellate court decisions. A system of administrative courts provides oversight of decisions made by local and state authorities. Four specialized courts review market, labor, insurance, and impeachment matters, respectively.

Trial Procedures.—The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Local courts may conduct closed trials in juvenile and guardianship cases, divorce proceedings, or when publicity would offend morality or endanger the security of the state.

Defendants are presumed innocent until proven guilty, and they have the right to appeal adverse judgments. The law does not provide for juries to be used in trials. Defendants have the right to be present and to consult with an attorney in a timely manner, and attorneys are provided at public expense if defendants faced serious criminal charges. Defendants can confront and question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

The law extends these rights to all citizens and legal residents. Illegal immigrants enjoy the same rights but may be removed from the country or deported in a separate process.

Political Prisoners.—There were no reports of political prisoners.

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

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. The government recognizes the Evangelical Lutheran Church of Finland and the Orthodox Church as state churches. Over 80 percent of the population belonged to the Lutheran Church. Nontraditional religious groups practiced their religion freely. There was a small but growing Muslim population and a small Jewish community. Any organization with more than 20 members could register as a religious community as long as its primary mission was spiritual.

All citizens who belonged to one of the two state churches paid a church tax as part of their income tax. However, citizens may opt out of paying this tax by officially disassociating from the church. Nontraditional religious groups were eligible for tax relief as long as the government had registered and recognized them as legitimate religious communities.

Although religious instruction in Lutheran or Orthodox doctrine was part of the standard curriculum in public schools, students could substitute philosophy or world religion courses. In some urban communities where Islam is the second-largest religion, students may choose to receive Islamic religious instruction.

Societal Abuses and Discrimination.—The country's Jewish community was relatively small. There were a few reports of anti-Semitic incidents, chiefly graffiti such as swastikas and anti-Semitic slogans being spray-painted in public locations. The government condemned such acts and removed the graffiti when it was discovered. Critiques of Israeli policy occasionally took on anti-Semitic features. In 2004 the justice ministry ruled that the distributor of an anti-Semitic book, *The Protocols of the Elders of Zion*, was liable under the country's "hate speech" provisions and ordered the distributor to pay a fine and remove the book from circulation.

The government criticized anti-Semitism, principally through public remarks made by senior officials, including the president and minister of justice. In June 2004 the parliament and a local nongovernmental organization (NGO) cosponsored a conference in Helsinki on anti-Semitism, and officials played an active role in international conferences on anti-Semitism.

The Muslim population numbered approximately 20 thousand. Despite isolated reports of fights between non-Muslim and Muslim youths, there was no pattern of societal violence against Muslims. In June the Ministry for Foreign Affairs created an office for Muslim outreach, but no domestic activities were planned by the end of the year.

The Ministry of Education continued to integrate tolerance and antidiscrimination education into the public school curricula.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government automatically denied asylum to anyone who had already been rejected by another EU state.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol. The government included the number of persons who received temporary protection in overall asylum statistics.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

There were some reports of discrimination against immigrants, including refugees and asylum seekers (see section 5).

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.—Free and fair parliamentary elections held in March 2003 resulted in the formation of a coalition government led by the Center Party.

There were 76 women in the 200-seat parliament. There were 8 women in the 18-member cabinet. The president was a woman.

There were 10 members of minorities in the parliament and 2 minorities in the cabinet. The indigenous Sami (Lapp) minority enjoys semiautonomous status and has its own legislative body.

Government Corruption and Transparency.—There were no reports of government corruption during the year. An anticorruption network in the Ministry of Justice met several times to address transnational bribery.

The law provides for public access to government information, except for information classified for national security, or when release of documents would constitute a violation of privacy laws, and the government provided such access in practice.

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

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

Section 5. Discrimination, Societal Abuses and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; violence against women, trafficking in persons, and discrimination against immigrants and Roma were problems.

Women.—Violence against women, including spousal abuse, continued to be a problem. Although police statistics reported approximately 10 thousand cases of domestic violence annually, most researchers believed the actual number was higher since many cases went unreported. The government reported that up to 30 women died from domestic violence. Domestic abuse may be prosecuted as a variety of different crimes, including rape, assault and battery, harassment, and disturbing the peace. It was not possible to determine how many convictions in each category constituted domestic abuse cases.

The law criminalizes rape, including spousal rape, and the government enforced the law effectively. Through September, 488 rapes had been reported to the police, which were 8 more than in the corresponding period in 2004. Police believed the true number of rapes during the year to be higher than those actually reported, attributing this underreporting to the social stigma encountered by rape victims. Researchers believed that 75 percent of these rapes were committed by a known assailant.

The government encouraged women to report domestic violence and abuse to the police. The government provided counseling and support services to victims of domestic violence and rape and operated a network of shelters for victims. The government provided funding to NGOs that provide additional services, including a tele-

phone hot line and crisis center. According to researchers, most women seeking shelter from violence were between the ages of 25 and 35 who were either married or in a cohabiting relationship; nearly one-third were immigrants. Immigrants without proficiency in either Finnish or English experienced some difficulty accessing domestic violence services.

Prostitution is legal, but the purchase of sexual services is a civil offense. Prostitution was generally limited to private apartments and certain nightclubs in larger cities. At year's end the parliament had not yet voted on a government proposal to criminalize the purchase of sexual services.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment is prohibited by law, and the government generally enforced the law in practice. The office of the prosecutor general was responsible for investigating sexual harassment cases. Employers who fail to protect employees from harassment are subject to fines or a maximum of six months' imprisonment.

Women and men have identical legal rights under family and property law and in the judicial system. The government placed a high priority on gender equality and maintained three primary government organizations devoted to gender equality issues: the ombudsman for equality, the gender equality unit, and the council for equality.

In practice there was still economic discrimination against women. Women's average earnings were 82 percent of men's. Women were overrepresented in lower paying occupations, and men tended to dominate the upper ranks in industry and finance, and some government ministries.

In April parliament passed a law amending existing legislation to increase gender equality in the workplace and to promote the principle of equal pay for equal work. At year's end no determination had been made about which government agencies would have primary responsibility for implementing the law's provisions. Employers found to be in violation of the law are required to compensate women for lost wages. The new law, which took effect on June 1, extended compensation eligibility to a greater number of women. The government's equality ombudsman received hundreds of complaints during the year, and generally determined approximately 20 percent of them to be violations of the law.

In August the Ministry of Social Affairs and Health, in cooperation with the Ministry of Labor and the Monika Naiset Women's Resource Center, published a guidebook to help social workers who work with immigrant populations to identify cases of violence, such as honor-related violence, forced marriages, and genital mutilation.

Children.—The government was strongly committed to children's rights and welfare. Public education and health care systems were well funded. Education was free and compulsory for all children ages 7 to 16, more than 99 percent of whom attended school. Most children attended school until graduation from high school. Education at universities and trade schools was also free.

The government offered free medical care for children through a comprehensive public health care system. Boys and girls had equal access to health care services. There were isolated reports of child abuse.

There were reports of trafficking of children for sexual exploitation (see section 5, Trafficking).

During the summer parliament passed legislation creating the country's first ombudsman for children's issues. The ombudsman took office on September 1. Paying particular attention to children's living conditions, the ombudsman monitored legislation and assessed its impact on children's welfare.

Trafficking in Persons.—The law prohibits trafficking in persons, but there were reports that persons were trafficked to and through the country. There are also related laws that can be used to convict traffickers, including organized prostitution; the dissemination of child pornography; the coordination of illegal entry into the country; and the marketing of sexual services. The maximum penalty for trafficking is seven years in prison, but there were no convictions for trafficking during the year. Police and prosecutors were hampered in their enforcement efforts by a lack of experience and training in trafficking cases.

The ministries for foreign affairs, interior, justice, labor, education, and social welfare were all involved in combating trafficking, and each was represented on the interagency antitrafficking working group. The parliamentary human rights caucus, the NBI, frontier guards, customs and immigration, and various municipal police were also involved in antitrafficking efforts.

The government participated in multilateral and regional efforts to combat trafficking, through organizations such as the Council of Baltic Sea States, Nordic Council of Ministers, and the Barents Euro-Arctic Council.

The country was a destination and transit point for trafficked persons. The actual incidence of trafficking was unknown since no studies have been done about the problem.

Most trafficking involved women and girls from Russia, although Estonian, Latvian, Lithuanian, Ukrainian, and Belarusian women were also trafficked for sexual exploitation. Increasing numbers of Asian women, most of whom were believed to be Chinese and Thai, were trafficked through the country to other parts of Europe.

Some persons were trafficked for labor, and most of these cases involved persons coerced into restaurant work, in construction, and as maids. They were often forced to work long hours for low pay, and were often reluctant to approach authorities due to the cultural gap and fear of deportation or confinement.

The government and NGOs believed Russian organized crime syndicates to be the principle traffickers of women and girls into the country. Although traffickers led some of the women to believe that they would be employed as domestic servants or waitresses, most were aware that they would be prostitutes. Economic incentives for poor women seemed to play a larger role in trafficking than physical coercion. Most trafficking victims entered the country with valid visas obtained at Finnish consulates abroad. The Schengen Treaty, which allows travelers already within EU borders to travel to any other EU country without inspection, facilitated the transit of trafficked persons from Russia and the Baltics to Western Europe. In some cases traffickers confiscated victims' passports and used violence or the threat of violence to ensure their compliance.

In March border guards at the Finnish-Russian border put a busload of Georgian women into protective custody for several days to determine whether they were trafficking victims. Although none of the women wanted to remain in the country, officials detained the women at a refugee-asylum center and interviewed them over the course of several days, rather than allowing them to return immediately to Russia. Media questioned whether the government responded appropriately by detaining the women.

Although there were no NGOs specifically dedicated to assisting trafficking victims, several focused on women's rights and general victim assistance issues, which included aid to trafficking victims. NGOs and government facilities operated by the Ministry of Labor provided victims with shelter, subsistence, medical services, and psychological counseling.

The parliamentary human rights caucus organized briefings on trafficking in the Nordic-Baltic region and lobbied for increased victim assistance and protection measures.

Law enforcement and prosecutorial officials received training in antitrafficking measures.

On August 25, the government adopted a comprehensive national action plan to combat human trafficking. Based on the final report of an inter-agency working group appointed by the Ministry for Foreign Affairs, the plan called for a victim-centered approach to trafficking, including strengthened victim protection measures, an end to quick deportation of foreign victims, increased social and economic assistance for victims, and aggressive prosecution of traffickers. By year's end the government had begun implementing each of these measures, although no trafficking prosecutions had yet occurred.

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 discrimination was not a problem. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. Many older buildings, however, remained inaccessible. Most forms of public transportation were accessible, but problems remained in some areas. For example, a few geographically isolated areas lacked adequate ramps for wheelchairs. The Ministry for Social Affairs and the Ministry for Labor were responsible for protecting the rights of persons with disabilities. In November the government submitted to parliament proposed legislation on protections and allowances for persons with disabilities. The chairperson of the parliamentary human rights caucus organized several events focused on empowering persons with disabilities.

National/Racial/Ethnic Minorities.—Immigrants numbered approximately 108,350, or 2 percent of the population at the end of 2004. The chief ethnic immigrant groups were Russians (24 thousand), Estonians (14 thousand), Swedes (8.2 thousand), Somalis (4.7 thousand) and Serbs and Montenegrins (4 thousand).

Although tension between citizens and immigrant groups was not overt, most racist and xenophobic incidents involved racial epithets directed toward immigrants in public. There were occasional reports of fights between native youth and immigrant

youth. African and Middle Eastern immigrants were typically the targets. There were also reports of fighting between rival immigrant groups. Some immigrants reported being denied entry to restaurants, although these claims could not be independently verified. Approximately 70 percent of immigrants who reported experiencing racism did not report it to police, explaining that they had experienced police discrimination. Immigrants alleged that police did not take their claims of discrimination and unfair treatment seriously.

The government strongly encouraged tolerance and respect for minority groups and established an ombudsman for minorities to protect minority interests. All government ministries included antiracism provisions in their educational information, personnel policy, and training programs. The government also monitored police, border guards, and teachers regarding their treatment of immigrants and nonnative groups.

The minority ombudsman criticized the slow police response on July 30 when local youths assaulted the owners of a Kajaani restaurant and vandalized the property. The police acknowledged their delayed response, but attributed it to a limited staff. They claimed that the only available officers had been investigating a separate incident and arrived at the restaurant as quickly as possible. The case attracted significant media attention, leading to calls for an end to violence directed at immigrants. The prosecutions of 10 youths involved in the incident were underway at year's end.

The NGO Finnish League for Human Rights accused authorities of ignoring discrimination against Roma. The group conducted a study to test whether there was discrimination against Roma by sending Romani groups to several Helsinki restaurants. Many restaurants refused them entry, offering the Roma's own safety as justification. The human rights group criticized the government's slow response to their complaints.

Indigenous People.—Sami (Lapps) constituted less than 0.1 percent of the population. The law provides for the protection of Sami language and culture, and the government financially supported these protections. Sami enjoyed full political and civil rights as citizens, as well as a measure of autonomy in their own civil and administrative affairs. Sami had the right to use their language in dealings with administrative and judicial authorities and in schools, media, economic and commercial life, and cultural activities. Sami communities received subsidies to continue their traditional way of life. There were no reports of any discrimination against Sami in employment, education, housing, health services, or land rights.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice and workers exercised this right in practice. Approximately 79 percent of the workforce was unionized.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, and the government protected this right in practice. Collective bargaining agreements usually were based on tripartite wage policy agreements among employees, employers, and the government. All unionized workers were covered under the collective bargaining agreements. Employers of nonunionized workers were required to compensate their employees at a wage equal to that stipulated by existing collective bargaining agreements.

The law grants employees the right to strike, with some exceptions for public sector employees who provide essential services. An official dispute board can make non-binding recommendations to the cabinet on ending or limiting the duration of strikes when national security is threatened. Employees prohibited from striking can use arbitration to ensure due process in the resolution of their concerns. A strike is legal when an employment contract is not in effect and the action is pursuant to new contract negotiations. Strikes are considered illegal after a contract agreed to by all parties is in effect. Fines may be imposed for illegal strikes. Workers exercised this right in practice; there were 167 strikes in the first 6 months of the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government has implemented laws and practices to protect children from exploitation in the workplace. The law prohibits children under 16 years of age from working more than 6 hours a day and from working at night. The law sets occupational health and safety restrictions for children, and the government implemented these provisions effectively.

The labor ministry enforces child labor regulations; no complaints about the exploitation of children in the work force arose.

e. Acceptable Conditions of Work.—Although no legislated minimum wage exists, the law requires all employers, including nonunionized ones, to meet the minimum wages agreed to in collective bargaining agreements in each sector of the workforce. Almost all workers were covered under such arrangements. These negotiated minimum wages provided a decent standard of living for workers and their families.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period per week. Workers are entitled to premium pay for overtime work. The law limited a worker to 250 hours of overtime per year and to 138 overtime hours in any 4-month period. Foreign workers were also protected by these laws, which the government effectively enforced.

The government sets occupational health and safety standards, and the labor ministry effectively enforced them. Workers have the right to refuse dangerous work situations without penalty, and the government enforced this right in practice.

FRANCE

France, with a population of approximately 62.9 million, is a multiparty constitutional democracy. The Union for a Popular Movement is the ruling party and Jacques Chirac is the president. The most recent national elections took place in 2002 and were considered free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- excessive use of force by law enforcement officers
- overcrowded prisons
- lengthy pretrial detention
- protracted trial proceedings
- anti-Muslim incidents
- anti-Semitic incidents
- societal violence against women
- child abuse and child marriage
- trafficking in persons
- discrimination based on ethnic origin

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, the Ministry of Defense officially confirmed that French soldiers deployed to the Ivory Coast under UN peacekeeping auspices were to blame for the May 13 suffocation of Ivorian national Firmin Mahe. At year's end a senior warrant officer was in custody for the killing, an army colonel was under investigation by a military tribunal for suspicion of ordering the killing, and two other soldiers were under investigation for not preventing it. General Henri Poncet, the former commander of French peacekeepers in the Ivory Coast, and his deputy, Renaud de Malaussene, were each given an official warning and relieved of their commands for failing to report French involvement in the death. Poncet was under investigation for his role in the death at year's end.

In February six individuals filed a lawsuit claiming that French soldiers were guilty of "complicity in genocide" and "crimes against humanity" while deployed to Rwanda during the 1994 genocide. In December a military tribunal opened an investigation into accusations of two of the plaintiffs, which included allegations that French soldiers stood by passively and permitted massacres to occur and that military personnel participated. French military authorities have denied that French troops aided or directed forces involved in the genocide, and a 1998 parliamentary panel absolved the military of responsibility in the genocide.

At year's end the National Commission on the Conduct of Police and Security Forces (NCCPSF) and the Human Rights League (HRL) had not released their find-

ings regarding the January 2004 use of tear gas by police and the subsequent death of a man.

There were no reported developments in any reported 2003 killings by police.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were occasional reports that law enforcement officers used excessive force, including during the civil unrest that occurred in October and November. There were reports that security forces abused detainees. Authorities investigated reports of abuse by officials and punished those responsible when the reports were substantiated.

However, an April Amnesty International (AI) report claimed that the government's continued failure to address abuses has led to a climate of effective impunity for law enforcement officials, resulting in a lack of public confidence that law enforcement officials always operate under the rule of law and are held accountable for their actions. In its annual report for 2004 released on April 16, the NCCPSF cited "significant breaches" by those involved in public security and an increase in complaints of police abuse and violence. The number of cases submitted to court increased from 70 in 2003 to 107 in 2004.

Police officers were videotaped striking a young man during the unrest in early November (see section 5).

The investigation of the February 2004 case of three police officers who allegedly beat and sodomized a driver and a fourth officer who allegedly destroyed evidence was ongoing at year's end.

On July 13, the NCCPSF issued a decision in the April 2004 case of Sukhwinder Singh, an Indian asylum seeker who alleged a police officer beat him and stole his money while apprehending him for illegally operating as a street vendor. The NCCPSF found that the actions of the police officer involved were not only against the code of conduct for security forces but subject to criminal prosecution. The NCCPSF did not present specific recommendations on the case because the officer involved had already been fired and was under criminal investigation.

Two of three Lille police officers who allegedly raped a prostitute in 2003 were released under strict judicial control and charges were dropped against the third. The case had not gone to court by year's end.

Separatist-related violence in Corsica, aimed at both immigrant populations and government authorities, continued to concern the government, which took steps to address the problem (see section 5).

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, credible nongovernmental organizations (NGOs) reported overcrowding and unacceptable hygiene conditions in some prisons. The government continued to replace old prisons and construct new facilities. According to the Ministry of Justice, there were 57,163 persons in custody on October 1, in facilities designed to hold 51,144 persons, an overpopulation rate of 112 percent.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides have been a problem in recent years. According to the Ministry of Justice there were 53 suicides in the first six months of the year, compared to 115 in all of 2004.

On October 20, the International Observatory of Prisons released a report that criticized prisons for being overcrowded and unsanitary. The report also indicated that drug use in prison was rising and that inmates appeared increasingly to be in need of psychiatric and other medical care, but that the prison staff was unable to diagnose and treat such needs.

The government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, lengthy pretrial detention was a problem.

Role of the Police and Security Apparatus.—The civilian force of 118 thousand national police, under the direction of the Ministry of Interior, and the military force of 90 thousand national gendarmes, under the direction of the Ministry of Interior in coordination with the Ministry of Defense, ensure internal security. The police and gendarmes were considered generally effective.

Despite criticisms by some human rights observers such as AI, impunity generally was not a problem. The Inspector General of the National Police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent NCCPSF investigated and reported to the prime minister and parliament on cases of misconduct by national and municipal police, gendarmes, and private security forces. The National Consultative Commission on Human Rights (NCCHR)

also monitored police conduct. Corruption was generally not a problem. The government actively investigated and prosecuted allegations of police corruption.

Arrest and Detention.—Police are required by law to obtain warrants prior to taking persons into custody. Persons are apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. The law provides a person in detention with the right to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice. Detainees are promptly informed of charges against them. There is a system of bail, and it is used. Detainees generally have prompt access to lawyers; however, in cases involving terrorism or other major crimes, suspects may be held up to 96 hours without access to a lawyer. If detainees are indigent, they are provided a lawyer by the state.

There were no reports of political detainees.

Long delays in bringing cases to trial and lengthy pretrial detention were problems. Pretrial detention is generally allowed only if there is a possibility that the suspect would be sentenced to more than three years in prison for crimes against persons and to more than five years in prison for crimes against property; however, a few suspects spend many years in detention before trial, which government officials blamed on insufficient government resources for the investigation and trial process. In July 35 percent of those held in jails and prisons were awaiting trial.

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

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only.

In cases of serious crimes, investigating judges detain suspects while they conduct the investigation against them. The chamber of accusation reviews the judge's investigation to determine the appropriateness of the charges lodged against the accused. The court of assizes investigates and decides cases involving serious criminal offenses.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and held before a judge or tribunal of judges. In instances where the sentence is potentially more than 10 years' imprisonment, a combination of professional and lay judges hear the case. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their own defense. Defendants and their attorneys have access to government-held evidence relative to their cases. Defendants enjoy a presumption of innocence and have the right to appeal.

The Tribunal of the Armies is a military court that exists to judge crimes committed outside of the country by members of the armed forces, issuing approximately 300 to 350 judgments annually. This tribunal was investigating both the death of Mahe and allegations regarding military actions during the Rwanda genocide (see section 1.a.). The tribunal abides by most of the rules of civil courts; however, the prosecutor seeks the advice of the military authorities before most proceedings, and difficulties have been reported in obtaining documents from military authorities that are classified as "secret." A former prosecutor has criticized the influence of the military on the tribunal and has questioned whether it should continue to exist.

Political Prisoners.—There were no reports of political prisoners.

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

On November 9, a court convicted 6 of the 12 individuals accused of having illegally listened to telephone conversations of nearly 150 persons between 1983 and 1986. Those convicted were given suspended sentences of up to eight months and fines of up to \$6 thousand (5 thousand euros). The court placed the ultimate responsibility on former president Francois Mitterand, noting that the decision to create the group responsible for the wiretaps originated with him and that the wiretaps were carried out with his knowledge.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, an 1881 press law that may be used to restrict freedom of expression by prohibiting speech that insults heads of state remained in force.

In 2004, in response to sermons from several Muslim clerics determined to have threatened public order by inciting violence, parliament passed a law stating that a foreigner can be deported for publicly proclaiming deliberate and explicit acts of

provocation proposing discrimination, hatred, or violence against any specific person or group of persons.

On December 22, the European Court of Human Rights (ECHR) ruled that the government had violated the freedom of expression of Christian Paturel, author of a 1996 book titled *Sects, Religions and Public Freedoms* in which he attacked antisect organizations which received government funding, particularly the National Union of Associations for the Protection of the Family and the Individual (UNADFI). UNADFI brought suit against the author, and in 1997 Paturel and the publisher were found guilty of defamation, a ruling that was upheld on appeal by French courts. Reversing the French courts' decisions, the ECHR ruled that organizations like UNADFI were in the public domain and "ought to show a higher degree of tolerance to criticism of their aims by opponents." The ECHR also found that the combination of fines and awards to UNADFI had not been justified in the circumstances. The ECHR awarded Paturel \$8,280 (6,900 euros) in damages and \$9,384 (7,820 euros) in costs and expenses.

The independent media were active and expressed a wide variety of views without restriction.

There were no government restrictions on the Internet or academic freedom.

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

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. A 1905 law on the separation of religion and state prohibits discrimination on the basis of faith. Under the law, religious groups must apply to the local prefecture for recognition as an association of worship and disclose certain management and financial information in order to receive tax-exempt status or gain official recognition.

The government has modified the manner in which it encourages public caution toward some minority religious groups that it considers to be cults. A 1996 parliamentary commission identified 173 groups as so-called cults. These included the Jehovah's Witnesses, the Theological Institute of Nimes (an evangelical Christian Bible college), and the Church of Scientology. In May former prime minister Jean-Pierre Raffarin issued a circular indicating that the parliamentary list should no longer be used to identify sects, and authorities should instead focus their efforts on those sects that represent the greatest threat, notably those "small, fluid" groups that are "less easily identifiable" and use the Internet for recruitment. Some religious groups hailed the move as a step forward but called for Ministry of Justice circulars emphasizing repressive measures against minority religions to be rescinded.

The interministerial monitoring mission against sectarian abuses (MIVILUDES) is charged with observing and analyzing sect/cult movements that could constitute a threat to public order or violate the law, coordinating the appropriate response, informing the public about potential risks, and helping victims to receive aid. In January MIVILUDES published a guide for public servants instructing them how to spot and combat "dangerous" sects. There are several instances where the law regarding the right of patients to refuse medical treatment is noted, as well as subsequent court decisions. Some groups expressed concern that the guide would be misused by overzealous public servants against legitimate religious organizations.

There was continuing concern about the 2001 About-Picard law. Although provisions of the law that permit the dissolution of groups have never been applied, in November 2004 Arnaud Mussy, the founder and spiritual head of the group Neo-Phare, was convicted of fraudulent abuse of the state of ignorance and the weakness of four followers. Mussy claimed to be the reincarnation of Christ and made several predictions in 2000 regarding the pending apocalypse; one of his adherents killed himself and two other followers attempted suicide allegedly because of the state of mind brought on by Mussy's manipulation. His appeal of the decision was ongoing at year's end.

In March 2004, on the recommendation of an interministerial commission established by the president to study secularism, integration, and the place of religion in the country, the government passed a law prohibiting the wearing of "conspicuous" religious symbols—including Muslim headscarves, Jewish skullcaps, and large crosses—by employees and students in public schools. In June 2004 the ECHR ruled that the law did not violate the freedom of religion and was implemented in September 2004. Some Christian, Jewish, Muslim, and Sikh leaders, human rights groups, and foreign governments voiced concerns about the law's potential to restrict religious freedom. At the end of the school year, the Ministry of Education reported that 44 Muslim girls and 3 Sikh boys had been expelled from public school for vio-

lating this law; all had reportedly enrolled in private schools, distance education courses, or schools abroad. One Muslim group indicated that the law has adversely affected 806 Muslim girls by causing them to seek alternative educational options or requiring them to remove their veil. Media reports estimate that of 13 million schoolchildren, approximately 12 hundred Muslim school age girls wore veils. The Sikh community reported that of the approximately 200 school age Sikh boys, 84 percent were affected by the legislation.

In September UN Special Rapporteur for Freedom of Religion or Belief Adma Jahangir conducted a fact-finding mission in the country. In comments made at the conclusion of her visit, Ms. Jahangir characterized the controversial law banning religious symbols from school as "double-edged" and noted that veiled women appeared to suffer from discrimination. She also expressed cautious optimism for minority religions, calling MIVILUDES "more balanced" than its predecessor. The rapporteur's report to the UN, including recommendations for the country, was expected in early 2006.

Societal Abuses and Discrimination.—Members of the Arab/Muslim community experienced incidents of harassment and vandalism (see section 5), particularly on the island of Corsica. The government was investigating at least 26 anti-Islamic Web sites for links to anti-Muslim attacks.

On November 11, a mosque in near Lyon was attacked with little damage reported. On November 13 and 14, two firebomb attacks were attempted against the Grand Mosque of Lyon. On November 20, a mosque in the eastern town of Fougères was hit with two firebombs, but no one was injured, and the main prayer room was not damaged. Political and religious leaders condemned the attacks, and authorities actively investigated the incidents. Many suspect the attacks may have been committed by right-wing militants in response to the social unrest occurring nightly at the time.

Representatives of the Church of Scientology continued to report cases of societal discrimination, frivolous lawsuits, and prosecution for allegedly fraudulent activity. Church of Scientology representatives reported that a case filed by a parent whose child attended an "Applied Scholastics"-based school was resolved when the young woman, previously prevented by the government from leaving the country to attend the school abroad, decided she would wait until she reached the age of 18 and could legally make the choice herself.

On December 14, a Paris court rejected a lawsuit brought by a collective of associations asking for the dissolution of the National Union of Associations for the Defense of the Family (UNADFI). The organizations accused UNADFI, a state-subsidized NGO "specializing in information about sects," of regularly overstepping its informative role and acting against religious freedom. Instead, the court ruled that the suit constituted an "abusive procedure" and ordered the plaintiffs to pay UNADFI \$18 thousand (15 thousand euros) in damage and court costs, and ordered the plaintiffs to print the decision in 8 newspapers. The plaintiffs planned to appeal the decision.

On February 25, the 2004 Jehovah's Witnesses tax case was submitted to the ECHR and was ongoing at year's end. Members of Jehovah's Witnesses claimed that they were selected for discriminatory and punitive auditing because of their classification as a cult. Jehovah's Witnesses in the Vosges Department reported difficulty gaining permission to build a house of worship in the town of Deyvilliers; despite official requests presented to authorities on January 13 and March 4, the Jehovah's Witnesses reported having received no reply or acknowledgement of their requests. Jehovah's Witnesses also reported several acts of vandalism against houses of worship. On December 1, the Paris Court of Appeal overturned a 2001 decision and ordered the Ministry of Interior to turn over to the Jehovah's Witnesses documents relating to the 1996 parliamentary report and to pay \$1,800 (1,500 euros) for costs.

In a March annual report to the prime minister, the NCCHR indicated that there were 1,565 racist and anti-Semitic incidents in 2004, nearly double the 833 recorded in 2003. The number of anti-Semitic incidents, including physical assaults, attacks against property, cemetery desecrations, threats, and reported insults, increased from 601 in 2003 to 970 in 2004, and the number of incidents occurring in schools nearly tripled. There have been no reported deaths due to anti-Semitic violence since 1995, but 36 persons were injured in anti-Semitic attacks in 2004.

The Jewish community in France was estimated at 600 thousand persons. According to the Ministry of Interior, police recorded 504 anti-Semitic incidents during the year, as opposed to 974 during 2004, a decrease of 48 percent. There were 98 attacks against persons or property during the year as opposed to 200 in 2004, and 406 threats as opposed to 774 in 2004. There were 40 persons arrested for committing anti-Semitic crimes. The government attributed the decreases to better dialogue with the Jewish community, more focus on the problem by the internal security

forces, and a decrease in Israeli-Palestinian tensions. Authorities continued to condemn forcefully anti-Semitism, provided increased protection at Jewish institutions, investigated all attacks, and arrested and prosecuted perpetrators when there was sufficient evidence.

The Representative Council of Jewish Institutions in France (CRIF) operated a hot line to register allegations of threats. Based on its own information and that of the Jewish Community Protection Service (CSPCJ), the CRIF registered 95 anti-Semitic incidents during the first 6 months of the year as opposed to 590 for the entire year in 2004. The CRIF stated in the NCCHR report that its figures do not always correspond to those of the government, as victims do not always report their attacks to both the police and the CRIF.

In April the CRIF condemned the alleged sale of anti-Semitic cassettes by the Committee for the Well-being and Rescue of Palestinians (CBSP) at the annual meeting of the Union of Islamic Organizations in France (UOIF).

In July three students from a different school threw bottles of acid into the courtyard of a Jewish school. No injuries were reported. The three minors were released into judicial custody and their trial remained ongoing at year's end.

On May 18, the government approved a ministry of interior decision to disband the neo-Nazi group *Elsass Korps*. The dissolution would prevent the group from meeting publicly and punish individuals found to be reconstituting the group under a different name.

In May a Versailles court of appeals found the authors and publisher of a 2002 article entitled "Israel-Palestine: The Cancer" guilty of "racial defamation" for anti-Semitic content. Journalists Edgar Morin, Daniele Sallenave, and Sami Nair, as well as editor Jean-Marie Colombani have been ordered to pay the legal fees of the prosecuting groups and \$1.20 (1 euro) each in damages. The publishing newspaper, *Le Monde*, was ordered to print the court decision, which ran July 8. The decision has been controversial, particularly as one of the authors, Edgar Morin, is Jewish. A judge dismissed the initial complaint, ruling that any reasonable reader would not equate criticism of Israeli Prime Minister Sharon and his supporters as an attack on all Jews, but an appeals court found that three sentences in the article violated a 1990 antiracism law. *Le Monde* and the authors of the article appealed the decision, and a ruling was expected in early 2006.

On June 13, a Paris court ordered French Internet service providers to block the Web site of the revisionist Holocaust-denying organization, the Association of Former Connoisseurs of War and Holocaust Stories, to French users.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

The law requires those who exercise an itinerant activity and who have a fixed domicile to sign a declaration, which is renewable periodically. Persons having no domicile or fixed abode must be in possession of travel documents, one type of which must be renewed every three months, and must choose a commune for administrative purposes. Members of the Roma community, who make up the majority of those who require travel documents, have protested the requirement and indicated that they often experience discriminatory treatment from officials when renewing the documents.

The law also requires municipalities with more than 5 thousand residents to provide an "encampment" where people may reside temporarily. However, members of the Roma community indicated that only one in four municipalities required to provide a designated encampment actually do so in practice, and that many encampments do not meet the legal requirements of infrastructure provision and environmental adequacy. Roma groups have asserted that some municipal leaders prefer to pay the fines rather than provide encampments. The law also designates some towns where encampment is prohibited. Compounding problems created by a lack of encampments is a law that makes it illegal to set up residency outside of designated areas.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

Even if it does not grant asylum to an individual, the government generally did not deport individuals with children.

The government cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

On September 2, the National Association for Assisting Foreigners at Borders (ANAFE) released a statement citing a decline in the number of foreigners detained in the waiting areas of airports and ports, noting there were 14,291 individuals not admitted in 2004, as opposed to 15,498 in 2003 and 20,800 in 2002. However, it expressed concern that the government was focusing on combating illegal immigration to the detriment of the protection and welcome offered foreigners, especially asylum seekers. ANAFE noted that there were allegations of abuse against foreigners in waiting areas, particularly during attempts to re-embark them on aircraft. ANAFE also criticized incidents of unaccompanied foreign minors without proper documentation being detained in waiting areas at airports rather than admitted to the country without exception, a position recommended by UNAFE and NCCHR.

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

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

Individuals without a fixed domicile and who must carry travel documents were permitted to vote in municipal elections only after a three-year period of "attachment" to a municipality. Roma groups asserted that this was discriminatory since other citizens, including the homeless, were able to vote after an attachment period of only six months.

Elections and Political Participation.—The most recent national legislative and presidential elections took place in 2002 and were free and fair.

The citizens of the collective territory of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums and, along with the overseas departments, elected deputies and senators to the French parliament.

In February new elections were held for 37 of the 57 seats in the Polynesian national assembly and were considered generally free and fair; the state council in November 2004 annulled the May 2004 elections because of irregularities.

There were 129 women in the 2 bodies of the 908-seat legislature and 6 women ministers in the 32-member cabinet. Women made up 48 percent of municipal councils, but held only 6.7 percent of mayoral positions. Political parties are required to present equal numbers of male and female candidates, within two percentage points; however, a March report by the Observatory for Parity Between Men and Women indicated that the three major political parties were fined for failing to fulfill this requirement in the 2002 elections.

The law prohibits the government from holding information about the racial or ethnic background of its citizens; therefore, no statistics on minority participation in the government were available. However, minorities generally appeared significantly underrepresented in the government.

Government Corruption and Transparency.—On May 13, an agreement was signed between the Union for a Popular Movement (UMP) political party and the Mayor of Paris' office whereby the UMP agreed to repay the city for salaries paid to a number of individuals who were in fact working for the UMP's predecessor party, Rally for the Republic Party (RPR), led by then mayor of Paris Jacques Chirac. The UMP was to reimburse the city approximately \$1.07 million (890 thousand euros) for the fictitious salaries, legal expenses, and interest.

On May 30, the Paris Public Prosecutor's office opened an investigation into 11 French nationals suspected of involvement in corruption related to the UN "Oil-for-Food" program. Among the investigated were former interior minister Charles Pasqua and two former diplomats.

On October 26, a Paris court convicted three individuals on corruption charges stemming from a kickback scheme that took place in the early 1990s whereby companies involved in the construction of Paris-area high schools funneled 2 percent of their revenue to political parties, including the now defunct RPR, the Socialist Party (PS), and the now defunct Republican Party. The greatest part of the monies, totaling an estimated \$84 million (70 million euros), went to the RPR, which was then headed by Jacques Chirac.

Corruption charges remained pending against President Chirac; however, as long as he remains in office, the president is immune from prosecution.

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

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

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

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. However, violence against women and children, child marriage, trafficking in persons, and ethnic discrimination were problems.

Women.—While not common, violence against women was a problem. The law prohibits violence against women, including spousal abuse, and the government generally enforced it. In 2003 and 2004, there were 164 women whose deaths were attributed to spousal abuse. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$54 thousand (45 thousand euros) to 20 years' imprisonment. The government sponsored and funded programs for women who were victims of violence, including shelters, counseling, and hot lines. Numerous NGOs also assisted abused women.

Rape, including spousal rape, is illegal, and the government generally enforced the law effectively. Rape occurred rarely. The Ministry of Interior reported that the number of sexual assaults fell by 9.3 percent. According to the Ministry of Interior, there were 4,412 rapes, 4,743 instances of sexual aggression, and 16,859 reports of sexual assault during the year. However, the Ministry of Interior statistics did not specify the gender of the victim. The penalty for rape is 15 years' imprisonment, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The government and NGOs provided shelters, counseling, and hot lines for victims of rape. Press reports and NGOs reported that a "repressive atmosphere" existed in some suburbs of Paris dominated by immigrants from North African countries, causing women in these neighborhoods to feel intimidated. Some men in these suburbs reportedly intimidated women whom they perceived as violating social norms. This abuse ranged from verbal abuse to physical assault and rape.

In 2003 the High Council on Integration (HCI) published a report indicating that approximately 35 thousand women were victims of female genital mutilation (FGM), the majority of whom were immigrants from Africa, Asia, and the Middle East. The practice is illegal and may be punished by up to 20 years' imprisonment; however, in most cases the FGM occurred outside of the country. Cases were seldom reported to the authorities, and most were discovered in routine school medical examinations. Several NGOs existed to prevent FGM and worked with the government to educate women about their rights.

Prostitution is legal; however, the law prohibits procuring, including aiding, assisting, maintaining, or profiting from the prostitution of another. Public solicitation is illegal. Enforcement of these laws varied, and prostitution remained a problem. In 2004 there were 943 arrests and 1,719 convictions for procuring. The higher conviction number was due to the fact that a person could be convicted outside of the calendar year in which they were arrested, and a person could be convicted of multiple procuring charges.

In March the Central Office on the Treatment of Human Beings (OCRETH) conducted a nationwide dragnet for pimps, arresting 72 persons over a 5-day period. Five were sentenced to prison terms within days of the arrests, while others were still being questioned. Preliminary interior ministry statistics show that police arrested 897 persons on procuring charges from January through October.

Authorities cited a drop in the number of prostitutes resulting from the implementation of the law on internal security; however, NGOs charged that the changes in the law had succeeded only in moving the prostitutes to different areas at later times rather than reducing the real number of prostitutes.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking). A government agency, OCRETH, addresses trafficking in women, prostitution, and procuring.

Sex tourism to other countries was a problem, which the government took steps to address. The law includes extraterritorial provisions that apply French law to sexual depredations committed abroad by citizens or residents.

On October 20, Tourism Minister Bertrand launched an initiative at a European Union (EU) tourism ministers' meeting to give new impetus to the EU's fight against child sex tourism. The government proposed increasing the voluntary commitments made by travel industry professionals to fight the problem (by means of a charter along the lines of the country's model); setting up an informal group and a Web site on child sex tourism to facilitate exchange of best practices between EU member states; and sharing information and planning joint actions with the countries plagued by child sex tourism.

In May 20 leading tourism companies signed a charter with Tourism Minister Bertrand pledging to increase their efforts against child sex tourism. Under the charter, the companies agree to conduct several actions to aid in the fight. The government started a review of the actions in November, and they were to be evaluated annually.

The law prohibits sex-based job discrimination and sexual harassment from superiors but not peers in the workplace. Sexual harassment was not widely considered a problem in the workplace. The laws prohibiting it were well publicized by both the government and NGOs and effectively enforced.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The Ministry of Parity and Equality ensured the legal rights of women.

The law requires that women receive equal pay for equal work; however, this standard often was not met in practice. Reports by various governmental organizations and NGOs have indicated that men continued to earn more than women and that unemployment rates continued to be higher for women than for men. According to a study by INSEE, the government's statistical agency, less than 20 percent of executives in the private sector were women, and although they made up 57 percent of the public workforce, women were underrepresented in managerial jobs and positions of responsibility.

Children.—The government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the government's programs for children.

Public schooling is provided free through the age of 18, and education is compulsory for citizens and noncitizens between the ages 6 to 16. However, after the October unrest, the prime minister proposed that some youth be allowed to leave school at age 14 to enter into apprenticeships. Although not compulsory, preschool and kindergarten for children under age six is free and widely available. According to INSEE, during the school year 2003–2004, the percentage of school age children who attended school was 100 percent for ages 3 to 13; but the percentage dropped to 99.6, 98.6, and 97.3 percent for ages 14, 15, and 16, respectively. Most children completed the equivalent of high school. There was no evidence of significant differences between the attendance of girls and boys at the primary, secondary, and postsecondary levels.

The government provided universal health care to all residents, and boys and girls had equal access.

Although not common, child abuse was a problem. There are strict laws against child abuse, particularly when committed by a parent or guardian, and the government generally effectively enforced the law and prosecuted abusers; however, a 2003 report by a rapporteur for the UN Commission on Human Rights (UNCHR) criticized the justice system and a government-chartered doctors' group over their handling of child sex abuse cases.

In October authorities arrested 15 persons and rescued 7 babies in connection with the baby trafficking ring discovered in 2004, and five persons were arrested. A Roma family in Bulgaria headed the network, which sold babies to other Roma families for approximately \$6 thousand to \$7,200 (5 thousand to 6 thousand euros). OCRETH continued to work with Bulgarian authorities on the investigation. The head of the ring was to be prosecuted under a 2003 trafficking in person's law.

According to the Interior Ministry, there were 14,713 incidents of rape, sexual harassment, or sexual attacks against minors during the year as opposed to 16,791 acts recorded in 2004. There were 12,404 cases of abuse, poor treatment, or negligence reported during the year as opposed to 11,283 incidents in 2004. The government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various NGOs also helped minors seek justice in cases of mistreatment by parents.

In the country's largest-ever criminal case involving pedophilia, in July a court in the department of Maine and Loire sentenced the principal defendants. Of a total of 65 defendants (39 men and 26 women), 23 to 73 years of age, 63 were convicted of crimes ranging from prostitution, rape, and sexual assault of 45 children, in many

cases their own, between January 1999 and February 2002. The children varied in age from a few months to 12 years. The penalties were from several months' suspended sentence to 28 years' imprisonment. The court also gave a social services worker a 12-month sentence, with 6 months suspended, for having failed to report 4 sexual assaults, in which 2 of the victims were her own children.

Child marriage was a problem, which primarily took place outside of the country and which authorities took steps to address. In 2003 the HCI published a report that approximately 70 thousand girls in the country between 10 and 18 years old, primarily from North Africa, sub-Saharan Africa, and Turkey, were threatened with forced marriages. Women and girls may seek refuge at shelters if they are threatened with forced marriages, and parents can be prosecuted for forcing their children into marriage. The government offered some education programs to inform young women of their rights, and the HCI said it was important to distinguish between arranged and forced marriages. Both houses of parliament have passed legislation to harmonize the age of marriage for boys and girls at 18; a final reading is expected at the end of January 2006.

Trafficking in girls was a problem (see section 5, Trafficking).

Trafficking in Persons.—The law prohibits the trafficking of persons; however, trafficking in women and children for sexual exploitation, forced domestic labor, and petty crime was a problem (see sections 6.c. and 6.d.).

Trafficking in persons is punishable by up to 7 years' imprisonment and a fine of \$180 thousand (150 thousand euros). Persons convicted of organizing a criminal network that exploits children and forces them to beg face a prison sentence of 3 to 10 years' imprisonment and a fine of \$54 thousand. Penalties for soliciting child prostitutes range up to 10 years' imprisonment. However, under the trafficking-related sentencing guidelines, sentences for some types of convictions, such as for rape, were light. The exploitation of foreign labor and exposing laborers to inhumane conditions are criminal offenses under other statutes punishable by up to three years' imprisonment or substantial fines.

In 2004 the special antitrafficking police arrested 717 individuals on trafficking-related charges. Foreigners were a little more than 54.7 percent of those arrested. During the year 47 trafficking networks were dismantled, a one-third increase over the number dismantled in 2004. Government efforts were considered increasingly effective.

In February police arrested a man and three accomplices for organizing a prostitution network that brought in transvestite prostitutes from Brazil.

In 2003 police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children who were kidnapped from Romania, brought to the country, raped to make them obey, and sent out on the streets of Paris and its suburbs to steal and prostitute themselves. According to press reports, the children were forced to earn \$240 (200 euros) a day or face severe physical punishment. The child-traffickers remained in jail awaiting trial at the end of the year.

Several law enforcement agencies were involved in the effort to combat trafficking. The government regularly cooperated on a bilateral basis or with international institutions such as the European Police Agency (Europol) to investigate, track, and dismantle trafficking rings. Authorities worked with officials in other countries, especially source countries, to counter human trafficking. For example, in September the foreign affairs ministry led a delegation of officials and NGOs to Romania to share best practices and increase cooperation. OCRETH had an officer serving in the French Embassy in Bulgaria. Police from local jurisdictions also worked with their counterparts in source countries, particularly in Eastern Europe.

The country was a destination for trafficking victims, primarily women from Eastern Europe, the Balkans, the former Soviet Union, and West Africa—and to a lesser extent, South and Central America—for the purposes of sexual exploitation and domestic servitude. Trafficking of Brazilian women and girls into sexual exploitation in French Guiana was a problem. The country was also a destination for trafficked Romanian children, many of Romani descent.

Police estimated that 90 percent of the 15 thousand to 18 thousand female prostitutes working in the country were trafficking victims, and that 3 thousand to 8 thousand children were forced into prostitution and labor, including begging. In a 2003 report the UNCHR rapporteur criticized the government for “continuing to deny the existence and the scale of sexual cruelty against children” with regard to trafficked children and called for the NCCHR to further investigate the situation. Of the 900 victims questioned in the 2003 UNHCR report, 50 were children, mostly citizens and Eastern Europeans. Preliminary ministry of interior statistics for the year indicated nine children were questioned as possible trafficking victims.

Principal traffickers were small, organized criminal networks.

Traffickers used various methods to recruit and retain victims including force, fraud, confiscating the victim's identification papers, isolating him or her culturally, and abusing him or her physically or psychologically. Some victims came to the country willing to work as prostitutes, not knowing they were going to become trafficking victims. Traffickers kidnapped or "bought" some women and girls and sold them to Balkans-based prostitution networks, which smuggled the victims into the country. NGOs and police characterized the bulk of traffickers in the country as "micro-trafficking networks" that included both citizens and foreigners.

Traffickers of the Romanian children of Romani descent have traditionally used the children as beggars and thieves, but many of the children have increasingly turned to or been forced into prostitution.

Under the government protection program established in 2003 to aid trafficking victims who chose to cooperate with police and judicial authorities, the government granted 204 women temporary residence; 11 obtained one-year renewable permits. Victims who declined to cooperate with the authorities were processed as illegal immigrants and were sometimes, but not often, detained, jailed, or deported.

The government continued to screen and refer victims to counseling centers and safe houses for comprehensive services. The government offered victims three to six months' renewable temporary residency according to their need and cooperation with police. The government assumed child victims to be in danger and provided immediate shelter while assessing the child's best interests.

Numerous NGOs dealt with trafficking in persons and prostitution. Social Aid to Children (ASE), the national social services branch for child care, was responsible for caring for and assisting victims under the age of 22.

Persons with Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions.

The law requires new public buildings to be accessible to persons with disabilities; however, many older buildings and public transportation were not accessible. On September 1 a Poitiers court of appeal upheld a \$12 thousand (10 thousand euros) fine stemming from a 2003 court case charging a cinema with lacking access for persons with disabilities. The 2 wheelchair-bound plaintiffs were awarded \$2,400 (2 thousand euros) each, plus interest. A second case from 2003, which remained ongoing at year's end, charged the Ministry of Justice with noncompliance with the law on accessibility.

Nearly 28 percent of persons with disabilities were unemployed, roughly 3 times the national rate of unemployment. A 1987 law requires companies of more than 20 employees to ensure that 6 percent of their workforce is composed of persons with disabilities or the company must pay fines to an association that assists persons with disabilities in finding work. However, many companies admitted to being unaware of their legal obligations, and the average employment rate of persons with disabilities for those companies subject to the law was approximately 4 percent.

On February 11, parliament passed a law to benefit persons with disabilities. The stated purpose of the law is to compensate for the consequences of disability, to promote participation in social life as a whole by guaranteeing the accessibility of buildings and access to education and employment, and to involve persons with disabilities in the decision making process regarding provisions concerning them. The law increases fines for those companies not in accordance with the law on employing those with disabilities, forcing those who have not made significant effort to meet their legal obligations within 3 years to pay a penalty of 1,500 times the minimum wage. Additionally, centers will be set up in each department to assist person with disabilities with receiving compensation and employment assistance. Many of the benefits were to enter into force starting January 1, 2006.

National/Racial/Ethnic Minorities.—Anti-immigrant sentiments led to some incidents of violence and discrimination, including occasional attacks on members of the large Arab/Muslim and black African communities. Ministry of Interior statistics indicated that there was a decrease in racist and xenophobic attacks during the year. There were 470 acts reported during the year, a 21 percent drop from the 600 incidents reported in 2004.

According to the NCCHR, there were 595 racist acts recorded in 2004, up sharply from the 232 committed in 2003. Far-right extremists were responsible for 18 percent in 2003; however, 2004 marked a resurgence in extreme-right activity, which was cited as the motivating factor in 30 percent of the racist and anti-immigrant incidents. The NCCHR noted a shift, remarking that right-wing elements seemed to target individuals of Arab-Muslim background (292 acts) more often than those of Jewish origin (169 acts).

On February 15, the Council of Europe's European Commission against Racism and Intolerance noted in a report that Roma in the country may be particularly vulnerable to problems of racism, intolerance, and discrimination.

In June the prime minister created a junior ministerial position for the Promotion of Equal Opportunity and named as its first head Azouz Begag, a novelist and university professor who grew up the son of North African immigrants in a poor suburb of Lyon. Begag listed fighting discrimination and providing members of minorities' better access to education and jobs as among his top priorities. He recommended circumventing the constitutional ban on collecting data based on race or religion by including questions on the census asking the place of birth and citizenship of the respondent's parents and grandparents, with the goal of giving companies and universities an accurate reflection of the population so they might better reflect that diversity in their composition.

On October 27, two young boys were electrocuted and a third seriously injured when they hid in a power substation, believing police were pursuing them. The incident triggered three weeks of social unrest that began in the suburbs of Paris where there are large concentrations of immigrant and minority populations, plagued by poor housing conditions and high unemployment, and spread to nearly 300 communities across the country. In all, approximately 10,346 vehicles were burned in the unrest, and 233 public buildings and 74 private buildings were damaged or destroyed by young men. Many, including political leaders, pointed to decades of poor integration of immigrant populations and societal discrimination for fueling the frustration of those responsible for the violence.

In general, law enforcement responded professionally and with restraint during the October/November unrest (see section 5), and there were no deaths directly attributable to their actions. At its peak, 11,500 law enforcement officers were deployed to combat the nightly violence. However, 8 police officers were suspended for the November 7 beating of a 19-year-old youth involved in the unrest in the suburbs of Paris. At year's end, two of the officers were being investigated for using "illegal violence" in attempting to apprehend the youth, who was throwing bottles at the police. The other six officers were considered possible witnesses to the incident.

Violence against immigrants continued to be a problem, particularly on the island of Corsica. The government condemned the incidents and took steps to address the problem. The attacks have caused some families to move to the mainland or return to their countries of origin.

Immigrant advocacy groups continued to criticize a 2003 law aimed to restrict illegal immigration and to ensure illegal immigrants are deported for being too harsh and encouraging discrimination against foreigners.

On August 2, Joel Damman sentenced to 25 years' imprisonment for the 2002 killing of a 17-year-old youth of Moroccan origin admitted at the trial, "At the time, I was a racist."

Discrimination against minorities was a problem, which the government sought to address. Some NGOs alleged that racist hiring practices prevented minorities from Africa, North Africa, the Middle East, and Asia from equal access to the workplace and worked to sensitize the public to this problem. The president tacitly acknowledged this discrimination when, in a November 14 address to the nation amidst the unrest, he asked, "How many resumes end up in the trash because of the name or address of the applicant?" One study reported that resumes sent by someone with a North African-sounding name are five times less likely to be called for an interview than one sent by someone with a more traditionally French name.

A report submitted to the labor minister in September by a government-appointed commission concluded that job discrimination is "widely practiced with impunity," mainly against individuals from sub-Saharan and North Africa. The panel found that ethnic origin, whether revealed by name, physical appearance, or even address, is often the basis for hiring discrimination, notwithstanding the applicant's educational or other qualifications. Laws against discrimination have not improved the situation, the report noted.

In June the government created the independent High Authority for the Fight against Discrimination and for Equality (HALDE), to which citizens can report cases of discrimination. The organization can demand inquiries on the practices of a particular agency and bring court cases on behalf of citizens against companies found to be exercising discriminatory practices.

The 2004 discrimination trial against 11 Lyon nightclub bouncers was ongoing at year's end.

The Ministry of Labor and the NGO Group for Study and Combat of Discrimination offered a free hot line to report discrimination. Government programs attempted to combat racism and discrimination by promoting public awareness and

bringing together local officials, police, and citizen groups. There also were anti-discrimination educational programs in some public school systems.

Other Societal Abuses and Discrimination.—Although there were isolated incidents of violence against homosexuals, the authorities pursued and punished offenders.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 7 percent of the work force was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provided for the right to collective bargaining, and workers exercised this right freely. Approximately 90 percent of workers operated under such agreements. Workers, including civil servants, have the right to strike except when a strike threatens public safety. Workers exercised this right by conducting legal strikes. There are no special laws or exceptions from regular labor laws in the three export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

There were press reports of substandard pay and working conditions, often within the immigrant community, suffered by undetermined numbers of undocumented immigrants. However, sweatshop conditions were rare due to effective labor law enforcement. In practice abuses were limited to the informal economy.

Forced or compulsory child labor occurred. Police estimated that three thousand to eight thousand children were forced into prostitution and labor, including begging.

There are strict laws combating trafficking in persons related to domestic slavery, and the committee against modern slavery (CAMS) brought cases of domestic and modern slavery to the authorities for prosecution.

In May the ECHR found that, in contravention of its responsibilities under the European convention of human rights, the government had failed to provide specific and effective protection against forced servitude for a Togolese national living in Paris. The judgment against the government was for \$31,200 (26 thousand euros). The 27-years-old woman was brought to Paris as a 15-year-old by a Frenchwoman of Togolese origin in January 1994. From October 1994 until mid-1998, the girl, whose papers had been confiscated, worked for a French couple without pay for 15 hours a day, with no days off (except for periodic permission to go to Mass), and slept on a mattress on the floor of the couple's nursery. In July 1998 the girl confided in a neighbor, who informed the CAMS, which reported the matter to prosecuting authorities. The ECHR noted that the government has since strengthened the law.

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively implemented laws and policies designed to protect children from exploitation in the workplace. With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. In general, minors are prohibited from performing work considered arduous, or work between the hours of 10 p.m. and 5 a.m.

Laws prohibiting child employment were generally enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

Trafficking in children was a problem (see section 5).

e. Acceptable Conditions of Work.—The national minimum wage was \$9.64 (8.03 euros) per hour, which provided a decent standard of living for a worker and family. The Employment Ministry was responsible for enforcing the minimum wage.

The official workweek was 35 hours; however, in certain industries, the government allowed a greater number of overtime hours that could result in a de facto 39-hour workweek. Overtime was limited to 180 hours annually. Maximum hours of work were fixed at 10 hours per day, 48 hours per week, and an average of 44 hours per week over a 12-week work period. Employees were guaranteed a daily rest of at least 11 hours and a weekly break of 24 hours, not including the daily rest period. Employers must accord workers a 20-minute break for a 6-hour workday. Premium pay was required for overtime. These standards were effectively enforced.

The law sets basic occupational health and safety standards. The Ministry of Social Affairs, Labor, and Solidarity was responsible for enforcing the laws and did so effectively. Workers have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment, and the government effectively enforced this right.

GEORGIA

The constitution of the Georgian republic provides for a strong executive branch that reports to the president, a unicameral parliament, and an independent judiciary; the country had a population of approximately 4.4 million. In November 2003 former president Shevardnadze resigned, culminating what became known as the Rose Revolution. In January 2004 Mikheil Saakashvili won the presidency by over 90 percent in elections; his National Movement Party won a majority of seats in the parliament in March 2004. International observers determined that the January presidential elections and the March parliamentary elections represented significant progress over previous elections and brought the country closer to meeting international standards, although several irregularities were noted. The civilian authorities generally maintained effective control of the security forces.

De facto authorities in the separatist Abkhazia and South Ossetia regions remained outside the control of the central government; ceasefires were in effect in both areas, although incidents of violence, including deaths, occurred in both areas.

The government's human rights record improved in some areas in during the year, although serious problems remained. The following human rights problems were reported:

- law enforcement officers tortured, beat, and otherwise abused detainees
- inhumane and life-threatening prison conditions
- corruption and impunity in law enforcement
- arbitrary arrest and detention
- lack of judicial independence
- interference with citizens' right to privacy
- government pressure on the media
- discrimination and harassment against some religious minorities
- violence and discrimination against women
- trafficking in persons

During the year the government took steps to improve the human rights situation. The activities of a monitoring council, amendments to the law, and increased investigation and prosecution of alleged abusers reduced the amount of abuse and ill-treatment in pretrial detention facilities. The status of religious freedom improved through increased investigation and prosecution of harassers of nontraditional faiths.

During the year de facto authorities in the separatist region of Abkhazia restricted the rights of citizens to vote and to participate in the political process by introducing a new citizenship law that forced ethnic Georgians to give up their Georgian citizenship. They also failed to set up a human rights office in Gali. In both Abkhazia and separatist South Ossetia, deprivation of life, arbitrary arrest, and detention were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed arbitrary or unlawful killings. There were reports of arbitrary and unlawful killings in the separatist areas of South Ossetia and Abkhazia, areas not under government control.

In December 2004 police officer Roland Minadze's conviction on charges of falsification and fabrication of evidence in connection with the beating and subsequent death of Khvicha Kvirikashvili was overturned and returned to court for reinvestigation. The prosecutor's office resubmitted the case to the court, seeking a higher sentence due to aggravating circumstances.

Despite ceasefires, killings were committed by elements on both sides of the separatist conflict in South Ossetia. In May four Ossetians and one Georgian police offi-

cer were killed in a shootout near the village of Tamareshini. In December the remains of four Georgian men kidnapped from their village on June 6 were returned to Georgia from South Ossetia. In October Givi Chukhrukhidze died from gunshot wounds suffered when armed men attacked his home in the conflict zone. None of these deaths were investigated, prosecuted, or punished by the de facto authorities.

Partisan violence continued in Abkhazia. Early in the year an armed group attacked the village of Ganmukhir near the Abkhaz-Georgian administrative zone and also killed a Georgian policeman at a checkpoint in the zone. In March an armed gang attacked a family in the village of Otobaia and killed Meri Jalagonia and beat the rest of the family. In April near the village of Gumurishi, Lasha Rigvava was killed in an incident involving Russian peacekeeping forces. In May near the village of Dikhazurga, Abkhaz militants killed Tsiuri Margania.

Both government and Abkhaz forces laid tens of thousands of landmines during the 1992–93 fighting. In November two separate antitank landmine incidents at a mandarin plantation in the Abkhaz-Georgian conflict zone resulted in one death and four injuries. An investigation by the UN Observer Mission in Georgia (UNOMIG) concluded that the mines were recently laid to deter workers and disrupt the harvest. Abkhaz police subsequently arrested Vakhtang Dzandzava on suspicion of planting a mine. In June in South Ossetia, a mine explosion injured a Russian peacekeeper and two Georgian police officers searching for Gogi Kakhniashvili, a missing Georgian who was also believed to have died in a mine explosion.

b. Disappearance.—There were no reports of politically motivated disappearances perpetrated by the government. However, conflict-related disappearances and kidnappings occurred during the year in the separatist regions (see section 1.g.) of both Abkhazia and South Ossetia, and were frequent. In May in the South Ossetian village of Avnevi, armed men detained two observers of the Organization for Security and Cooperation in Europe (OSCE) mission who were later released. In July Gocha Djaremlishvili was kidnapped from Artsevi village; his whereabouts remained unknown at year's end.

In May Abkhaz militants kidnapped three men from Nabakevi village who were later released. At least a dozen other kidnappings for ransoms were reported in Abkhazia by year's end.

The Abkhaz began forcefully conscripting young male ethnic Georgians living in the Gali region of Abkhazia into the army. More than 50 were reportedly forcefully taken. The local military authority was reportedly accepting \$100 (180 GEL) to “delay” conscription and \$1,500 (2,700 GEL) for return of those already taken.

Kidnapping for ransom decreased significantly elsewhere in the country. The Ministry of Internal Affairs (MOIA) reported 88 cases of kidnapping during the year and stated that investigations had resulted in charges in 84 of these cases.

Government and Abkhaz commissions on missing persons reported that more than one thousand Georgians and several hundred Abkhaz remained missing as a result of the 1992–94 war in Abkhazia (see section 1.g.). The International Committee of the Red Cross (ICRC) assisted joint official efforts to fulfill the country's obligations under international humanitarian law to provide answers to the families of missing persons. This included the determination of gravesite locations, the exhumation, identification, and repatriation of remains to the families. No repatriations occurred during the year.

At year's end the whereabouts of Chechen refugee Adam Talalov, who disappeared in 2003 from the Pankisi Gorge, remained unknown, and no developments were expected in the case.

The investigation into the kidnapping and release of three UN military observers in 2003 in the Kodori Valley in Abkhazia continued at year's end. No developments were expected in the investigation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, although they occurred.

The government took significant actions during the year to address torture and ill treatment. Positive steps included: extensive monitoring of pretrial detention facilities in Tbilisi and nongovernmental organizations (NGO) monitoring of police stations; amendments to the law to bring the definition of torture in line with international standards, providing longer imprisonment and suspension from public office for abuse by officials; amendments to the criminal procedure code to discourage abuse (the new law requires that confessions given by detainees during their detention must be ratified in court before being admissible as evidence); and increased general prosecutor activity to investigate and prosecute abusers (see section 1.d.). Serious abuses and police misconduct, such as the fabrication or planting of evidence, reportedly decreased.

The general prosecutor was in charge of investigations into allegations of torture and ill treatment. Prosecutors were required to investigate police use of force when a detainee with injuries sustained during arrest was registered. If they concluded that charges were not warranted, the decision could be appealed to a higher level of the general prosecutor's office. NGOs reported that investigations usually substantiated the reasonable use of force by police. Any person subjected to abuse was able to pursue a civil action against the abuser in a civil action.

According to the NGO Former Political Prisoners for Human Rights (FPPHR), however, the government failed to address hundreds of allegations of abuse stemming from 2004. The prosecutor general's office reported it launched investigations into some of these allegations, but asserted that the list of alleged abuses submitted by the NGO often lacked sufficient detail to launch investigations.

NGOs reported law enforcement officers continued to beat, torture, and otherwise abuse detainees during the year. According to information released by the Ministry of Justice (MOJ), in the first 6 months of the year, 23 percent of convicts had undergone physical violence at the hands of law enforcement officials, a 3 percent rise in comparison to the same period in 2004. Over a 10-day period in January, monitoring in pretrial detention facilities by the ombudsman's council confirmed that police violence against detainees was at a very high level; the council reported 15 cases of police physically abusing detainees in that period.

According to statistics from the MOIA's Human Rights Protection and Monitoring Division, of the approximately 8 thousand detainees held during the year, 1,360 (17 percent) were registered with injuries, 90 of whom claimed to have been beaten by police. According to the ombudsman's office, the monitoring group recorded 192 cases involving physical abuse between January and August.

In December 2004 the government created a monitoring council under the MOIA to visit detention facilities under the ministry's jurisdiction; members were NGO volunteers who work on torture chosen by the ombudsman's office. To address concerns about abuse in pretrial detention facilities, in April, the MOIA's Human Rights Protection and Monitoring Division was given oversight over all 67 pretrial detention facilities, and authorities created a new registration process for detainees brought to pretrial detention facilities. The registration process required that any indication of physical abuse be noted pursuant to a mandatory physical exam upon the detainee's arrival. Medical exams were also required, and any signs of abuse noted, anytime a detainee was moved to and from facilities. The MOIA's monitoring division was required to investigate all abuse cases. According to the head of the monitoring division, police were not permitted to enter pretrial detention facilities unless they obtained permission from him.

As of November all law enforcement officers and representatives of the prosecutor's office, except for officers of the special police unit, were required to wear identity badges during meetings with detainees and prisoners; the special police unit was exempted to protect members' anonymity. NGOs believed this prevented accountability for any abuse by the unit.

Human rights advocates reported that due to unannounced and random monitoring of police stations, allegations of abuse by law enforcement officials at police stations decreased substantially over the course of the year. NGOs agreed that monitoring effectively reduced abuse in pretrial detention facilities—since January the number of cases of abuse in the pretrial facilities decreased—although they reported a considerable increase in the number of detainees registered with signs of abuse upon arrival at police stations or pretrial facilities. Amnesty International (AI), other NGOs, and the ombudsman's office reported a large number of cases in which a detainee reportedly sustained injuries resulting from police ill treatment during arrest. The police claimed injuries were either preexisting or the result of detainee resistance.

Detainees were reportedly tortured or abused in cars while being taken to a place of detention, in police stations, and in the MOIA. One detainee alleged he was abused during a remand hearing. There were also allegations that several people were attacked on the street by plainclothes security service agents or taken to unpopulated places such as cemeteries or forests and abused.

During the year there were several cases of police officers brought to trial, dismissed, or demoted for abuses; however, impunity remained a problem, particularly in outlying regions (see section 1.d.). NGOs claimed that close ties between the prosecutor general's office and the police hindered their ability to substantiate police misconduct, and believed the continuing lack of professionalism and independence of the judiciary made it unresponsive to torture allegations. As a result, despite positive reforms, NGOs claimed law enforcement officials could still resort to torture or ill treatment with limited risk of exposure or punishment. NGOs also believed

a lack of adequate training for law enforcement, as well as low public awareness of the new protections afforded citizens, impeded improvements.

There were still significant obstacles to bringing all cases of torture and ill treatment to light. NGOs reported victims often did not report abuse, fearing police retribution against them or their families. According to AI, the ombudsman's office was aware of several cases of apparent abuse, but detainees—who had visible injuries—later refused to report abuse or withdrew their earlier complaint. In May representatives from the ombudsman's monitoring group were present when an individual arrived at a pretrial detention facility with injuries. The representatives interviewed him, made a record of his injuries, and forwarded the case to the general prosecutor's office for investigation. According to his lawyer, the man then refused to cooperate in the investigation, fearing there would be retaliation against his family.

In April prisoner Eldar Konenishvili was held in Prison No.1 and then taken to Gurdzhani police station where police beat and threatened him. Konenishvili could identify all his attackers, but a police officer accused of abusing Konenishvili was not suspended from duty. An investigation continued at year's end.

The investigation into the April 2004 alleged torture of Sulkhan Molashvili while in pretrial detention continued at year's end. In September Molashvili was sentenced to nine years' imprisonment for abuse of power and misappropriation of money; an appeal was pending at year's end. A filing by Molashvili's attorneys at the European Court of Human Rights in Strasbourg alleging the case against Molashvili was politically motivated was also still pending. Citing fear of retribution to his family, Molashvili did not report his alleged torture until July 2004. After a press conference by Nana Kakabadze of the FPPHR regarding Molashvili's treatment, he was transferred to a cell which the Council of Europe reported lacked light or functioning sanitary facilities.

No charges were brought against suspects in the investigation into allegations that police subjected Irakli Tushishvili to electric shock in MOIA custody. Tushishvili was reportedly released in 2003.

There were no known developments in the criminal proceedings against two police officers for extortion and physical abuse of 15-year-old D. Asaturov and his family.

Criminal agents within the prison population allegedly committed abuses against prisoners in pretrial detention facilities.

In November in the village of Pichori in the Gali region, Abkhaz police detained and then abused Temuri and Giorgi Morogoshias; they were later released.

Prison and Detention Center Conditions.—The ombudsman and NGOs agreed that prison conditions remained poor, did not meet international standards, and may have worsened during the year. The UN, the ICRC, and many NGOs, including Human Rights Watch (HRW) continued to report inhumane and life-threatening prison conditions, including poor facilities, overcrowding, inadequate nutrition and health care, and the influence of criminal gangs. Most prison facilities lacked basic utilities and sanitary facilities. Abuse and extortion of prisoners and detainees by prison staff continued.

The December transfer of some of the prison population to a new 1,500 inmate prison in Kutaisi eased overcrowding in the region's prisons. A riot broke out among those prisoners transferred to the new prison, however, because water and electricity were not functioning when the prison opened. Services were operational within a week.

Conditions at pretrial detention facilities remained poor. During the year, however, the MOIA refurbished a facility in Tbilisi, installing new electric and heating systems.

A June parliamentary committee visit to Batumi Prison No. 3 found it at double its capacity. In one instance, 37 prisoners shared a cell intended for 12. Prisoners suffering from tuberculosis or hepatitis-C shared cells with healthy inmates.

The Thieves-in-Law, a powerful network of organized crime gangs, was prevalent in all prisons and routinely extorted payments called *obshiak* from fellow prisoners that were in turn used to bribe prison officials and judges. In the Gugeti prison colonies, prison officials refused to patrol at night for fear of assault from the Thieves. NGOs reported that many prisoners sought placement in punishment isolation cells in spite of their deplorable conditions, to evade the Thieves' influence. According to the ombudsman's office, refusal to cooperate with gangs provoked physical and psychological intimidation.

Payment of guards and prison staff salaries became more regular during the year, which reportedly decreased corruption. However, in June mounting NGO and ombudsman pressure culminated in the criminal investigation of Shota Kopadze, director of the penitentiary department of the MOJ, for alleged collaboration with the Thieves to extort and abuse prisoners; the ombudsman's office accused Kopadze of extorting over \$166 thousand (300 thousand GEL) *obshiak* from prisoners monthly.

The ministry refused to dismiss Kopadze, although two prison administrators were subsequently arrested—one for extorting a bribe from a detainee's relative, and the other following an incident in which ombudsman and general prosecutor officials were harassed during a monitoring visit to the detention facility under his supervision. On December 22, President Saakashvili fired and replaced Kopadze with Deputy Public Defender Bacho Akhalaia.

NGOs reported violence among prisoners continued during the year.

The prison mortality rate reportedly improved, although human rights NGOs reported authorities kept official rates artificially low by releasing terminally ill prisoners or hospitalizing dying prisoners. Observers claimed deaths of prisoners without families usually went unreported. During the year there were 44 registered deaths in prison. In July Albert Zasaev committed suicide in Geguti prison. In October Zurab Tsintsadze committed suicide in Jail No. 9 in Khoni. In November the body of Paata Mamulia was found in the basement of Jail No. 1; another inmate was accused of killing Mamulia in a fight.

Attempted suicides and self-mutilation occurred in prisons as protests against declining prison conditions and human rights violations. There were also sporadic hunger strikes by prisoners to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the government.

The MOJ penitentiary system monitoring council condemned the return of inmates from hospitals to prisons without required medical checks and requested investigations.

Following the September deaths of two inmates from airborne meningitis, NGOs and inmates' families expressed concern about the spread of the disease. Prison doctors claimed the prisoners were infected with a progressive neurological infection rather than meningitis. Local NGO Liberty Institute reported one of the inmates was transferred out of the hospital due to lack of resources for treatment; his family was prepared to cover costs but was uninformed of his transfer. An investigation into the incident continued at year's end.

After the deaths, 55 hospitalized inmates were transferred back to their prisons. However, NGO and media involvement resulted in the return of 25 inmates to the hospital. The ombudsman's office submitted a complaint with the general prosecutor's office regarding this incident.

The MOIA reported that no deaths occurred in pretrial detention facilities during the year. NGOs, however, reported that Giorgi Jhvania attempted suicide by hitting his head with a heavy object while being held in Zugdidi.

Juveniles were held in separate facilities; however, juveniles were rarely separated from other inmates in MOIA temporary detention facilities. Pretrial detainees were often kept with convicted prisoners due to overcrowding. For example the UN International Children's Fund (UNICEF) reported the pretrial detention of 17-year-old Aleko Kamushadze, who was held for eight months in cell with 30 men—among them convicted murderers and rapists.

NGOs reported that at least four prisoners were held in prison longer than their sentence required.

The ICRC had full access to detention facilities, including those in Abkhazia and South Ossetia, and the OSCE reported no serious problems in obtaining access to prisoners or detainees. The prosecutor office's human rights unit enjoyed free access to prisons to monitor conditions. Local human rights groups and members of the prison monitoring council reported sporadic difficulty in visiting detainees, particularly in cases with political overtones.

In November the justice minister announced the abolition of the monitoring board of civil society and NGO representatives. Board members called this action illegal and continued working through year's end. Board members had the right to pay unannounced visits to any prison facility. Only about 4 or 5 of the 20 monitoring board members were reportedly active, and prisoners were reluctant to speak with the monitors for fear of retribution. Monitors were not allowed to bring audio or video equipment with them to prisons to document prisoner injuries or specific objectionable prison conditions. An NGO monitoring board member noted that, in contrast to monitoring at police stations during initial questioning and detention, the monitoring of prisons was ineffective.

The UN expressed concern over the conditions of pretrial detainees and convicted prisoners in Abkhazia, including female prisoners, and especially the conditions on death row. In South Ossetia, the UN expressed concerns about detention conditions after visits to Tskhinvali Prison and the detention facility of the de facto Ministry of Interior.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the government did not always observe these prohibitions.

Role of the Police and Security Apparatus.—The Ministry of Police and Public Order (MPPO) had primary responsibility for law enforcement. Since its creation out of a merger of ministries in December 2004, the MPPO continued to be commonly referred to as the Ministry of Internal Affairs (MOIA). During times of internal disorder the government may call on the MOIA or the military. The ministry controls the police, which are divided into functional departments as well as a separate, independently funded police protection department that provides security and protection to private businesses. During the year the MOIA abandoned its plan to reorganize the remaining three thousand lightly armed internal troops into a gendarmerie.

Public confidence in the police continued to increase during the year due to a reduction in corruption. A significant rise in the salary of police officers as well as regular payment of these salaries provided an incentive to police officers to refrain from ill treatment or abuse of detainees so as to not jeopardize their jobs. In April the patrol police, which was reformed in 2004, expanded its training.

Police officers were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. However, NGOs believed that the failure of the MOIA and the general prosecutor's office to systematically conduct investigations and pursue convictions of alleged abusers continued to foster a long-standing culture of impunity, particularly in regions outside Tbilisi.

In general officers were held accountable for abuses only in extreme cases, and the law limited detainees' ability to substantiate claims of such abuses (see section 1.e.). Many observers claimed that prosecutors were frequently reluctant to open a criminal case against police or they closed a case for lack of evidence. Human rights NGOs also believed that many instances of abuse went unreported by victims due to fear of reprisals or lack of confidence in the system.

According to the General Prosecutor's Office's Human Rights Protection Unit as of November, 188 criminal cases concerned with alleged ill treatment, abuse, or torture by law enforcement officers had been opened. Charges were brought against 25 law enforcement officers. At year's end 10 officers were serving prison terms for convictions made since the Rose Revolution.

The General Prosecutor's Office's Human Rights Protection Unit began issuing updates on the status of cases, trials, and investigations of human rights violations.

On May 5, Sergo Chachibaia, the former head of the Samgrelo criminal police, and Merab Tsaava, senior inspector of the Samgrelo organized crime unit, as well as three Samgrelo police officers, Rozman Gogenia, Ruben Kalandia, and Jemal Isoria, were convicted on various charges including repeated abuse of authority with the use of violence or a weapon, degradation of the personal dignity of a victim, and intentional unlawful arrest or detention. Chachibaia was sentenced to seven years, Tsaava to four years, and the three police officers each to three years' imprisonment.

On May 27, Senior Inspector K. Kesauri was sentenced to five years' imprisonment after being convicted for abuse of authority and intentional injury. On May 26, three police officers were convicted of repeated abuse of authority with the use of a weapon, degradation of personal dignity of a victim, and intentional injury; Gogi Kharebava was sentenced to five years' imprisonment. Iliia Nachkebia and Paata Jgharkava were sentenced to four years' imprisonment.

On May 31, Levan Levidze, the senior inspector in the MOIA criminal search agency was found guilty of abuse of authority and forgery and sentenced to six years' imprisonment. The prosecutor appealed the case and requested that Levidze be sentenced to eight years in prison.

Arrest and Detention.—Under new legislation adopted in April, a person can only be arrested upon sufficient evidence and with a warrant. Judges issued warrants and detention orders; they could be obtained post facto and usually were. In practice police continued to detain people without warrants and to plant drugs or weapons in order to make an arrest. The prosecutor's office is the only body authorized to engage directly with the courts; previously, the MOIA could pressure judges into granting applications for wiretaps, search warrants, and arrest warrants.

The law provides for detainees to be charged within 72 hours, and those not charged within this period must be released; these rights were not fully observed in practice.

Under the April legislation, bail was introduced and is now preferred to pretrial detention. Before April bail was rarely used due to fear by judges of being subject to bribery accusations.

A detainee has the right to demand immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel; an indigent defendant has the right to counsel provided at public expense. According to the law, the defendant's attorney is appointed by the judge, although the defendant may move for a

change in counsel. In reality the attorney selected to represent a defendant reportedly often only represented the state's interests. Also, prosecutors have more input into the process than they were legally allowed. Local police authorities limited lawyers' access to detainees. In practice there were not enough attorneys for the indigent (see section 1.e.). Due to supply and demand, defendants did not always receive an attorney. A pilot project set up two public defender's offices in the country. Attorneys were provided at public expense in these areas, which included Tbilisi.

Officers must notify detainees' families of their location as soon as possible; these rights were not fully observed in practice, and authorities frequently did not permit detainees to contact their families.

Monitoring by the ombudsman revealed that many detainees out of a group interviewed in August were not informed of their rights.

On August 15, the Shida Kartli regional police and prosecutor's office detained 12 individuals suspected of illegal firearms possession for 12 hours and prevented access by lawyers and an ombudsman representative. NGO intervention resulted in the release of six although the police only officially registered four of the detainees.

There were no reports of political detainees.

Pretrial detention and house arrest are among six possible preventive measures to ensure suspects will appear at trial. Before new legislation was passed in April, three-month pretrial detention was always imposed, which could have been extended by three-month intervals up to nine months. In practice suspects were detained in pretrial detention much longer than legally permitted. The maximum pretrial detention period was also reduced by the new legislation from nine to four months. Decisions to remand or to prolong any pretrial detention must be appealed to a higher court. Under the new legislation, the overall maximum time period for trial and exhaustion of appeals to be completed was reduced from 30 to 12 months.

The UN noted that early in the year courts and prosecutors almost exclusively resorted to long pretrial detention regardless of the gravity of accused offense.

Abuse during pretrial detention decreased, while incidents of police abuse inflicted during arrest reportedly increased (see section 1.c.). In regions outside Tbilisi, abuse in pretrial detention facilities continued due to less frequent monitoring of pretrial detention facilities.

Abkhazian militia arrested at least a dozen Georgians in the administrative border region on charges of illegal woodcutting. Abkhaz authorities reportedly demanded \$5 thousand each (9 thousand GEL) in return for their release. The men were still in custody at year's end.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but the executive branch and powerful outside interests continued to pressure judicial authorities. Many NGOs complained that judicial authorities increasingly acted as a rubber stamp for prosecutors' decisions and that the executive branch exerted undue influence. NGOs expressed concerns that recent judicial appointees lacked experience and training to act independently. Moreover, the presence of presidential and executive branch appointees, as well as the prosecutor general, on the High Council of Justice (HCOJ), which among other things has the power to initiate disciplinary actions against a judge, had a crippling effect on judicial independence. 2004 constitutional amendments empowered the president to appoint or dismiss judges without parliamentary or other confirmation, severely limiting the independence of an already weak judiciary.

Reports of prosecutors directing investigations, supervising some judicial functions, and exerting disproportionate influence over judicial decisions decreased, although prosecutors continued to pressure judges for favorable rulings. According to April legislation, all defendants must now confirm in court any statements given while in pretrial detention; otherwise, the statements will not be accepted as evidence. NGOs reported that the amendment had little impact, due to either a detainee's fear of reprisal if a confession was not ratified in court or to the lack of public awareness of this protection.

Detainees were physically pressured in order to force them to extract information incriminating others.

In August Irakli Sioridze, a court officer of the MOJ, was detained on charges of exceeding authority. During an hour-long interrogation, several law enforcement officers reportedly beat and kicked him severely in order to force him to give incriminating evidence against Giorgi Usupashvili. According to Sioridze, the officers wanted him to sign a statement saying that Usupashvili had misappropriated \$111 thousand (200 thousand GEL). An investigation was opened into the abuse allegations. At year's end Sioridze was held in pretrial detention awaiting trial.

A July amendment to the criminal code increased the vulnerability of witnesses to improper police pressure. The amendment proscribes penalties of up to five years in prison for witnesses who change or retract their original statements to police.

NGOs believed this made witnesses less likely to amend initial statements provided under police pressure to suit the police's interests.

According to law, the HCOJ is a self-governing body representing the judiciary that acts as an advisory body to the president, addressing issues affecting the judiciary's ability to function and administer justice efficiently. The council had 12 members, 4 chosen from within each branch of government. In December an amendment was adopted (for implementation in 2006) to increase HCOJ membership from 12 to 18 members.

The HCOJ administered a three-tiered court system comprised of regional/city courts, appellate courts, supreme courts of autonomous republics (which serve as appellate courts in the relevant territorial units), and the Supreme Court. The system was reorganized pursuant to a July amendment to the law. At the lowest level are regional/city courts, which hear routine criminal, civil, and administrative law cases. At the next level are three appellate courts, which unlike their predecessors serve a purely appellate function. The Supreme Court acts as the court of final instance (or as a court of cassation); it no longer served additional functions.

A separate constitutional court arbitrates disputes between branches of government and rules on individual human rights violation claims; it generally demonstrated judicial independence. The power of constitutional review is vested solely in the constitutional court. The court interpreted its function in human rights cases narrowly, agreeing to rule only in cases in which human rights were violated as a result of specific articles of law.

Trial Procedures.—Defendants have the right to a public trial, but juries were not used. The new criminal procedure code will introduce jury trials for the first time for certain grave crimes in 2006.

Defendants have the right to be present at their trial and to consult with an attorney, although the right to consult with an attorney was limited in practice. When a person is detained and not formally charged (a suspect), the right of attorney consultation is limited to one hour. After a person is formally charged with a crime (a defendant), the right is not limited in this manner.

The state-controlled bar association went unfunded and was defunct at year's end, effectively eliminating the provision of attorneys for detainees unable to afford counsel (the association previously assigned attorneys to indigent defendants based on the prosecutor's office recommendation). NGOs reported that in serious cases in which the law required the accused to be represented by counsel, prosecutors have pooled their personal money to pay for a defense attorney in order to move the case along. In practice the prosecutor's office not only had control over state-appointed lawyers, but it also influenced whether to grant a defendant's request to change lawyers.

Defendants may question and confront witnesses against them and present witnesses and evidence on their own behalf at trial. Defendants and their attorneys have access to the prosecution's evidence relevant to their cases. In practice the prosecution may not provide the defense with information until the day before trial. Defendants are presumed innocent and have the right to appeal.

Under some provisions, defendants could be tried in absentia.

Many of these rights were not enforced effectively due to the lack of judicial independence and prosecutor pressure.

Defense counsel is not required to be present at pretrial hearings, and defendants and their attorneys regularly complained that they were not notified of scheduled hearings.

An April briefing paper issued by HRW criticized the new plea bargaining system, noting it allowed law enforcement officers to cover up allegations of torture. Defendants agreed to officials' versions of events in allegations of police abuse, in exchange for promises of a lighter penalty. Officials also allegedly negotiated liberty for cash payments. While the law instructs judges to ensure that plea bargain arrangements are not coerced, both NGOs and the HRW report note that judges have confirmed plea bargain agreements that effectively eliminated the possibility of pursuing torture allegations. Members of the diplomatic community, local lawyers, and NGOs criticized the system, noting the opportunities for abuse afforded by a lack of checks and balances in the justice system. In response to the April HRW briefing paper and a subsequent October open letter, the parliament was reviewing two amendments to the criminal procedure code. The first would void any plea agreement infringing on the right of a person in any case of torture, inhumane, or degrading treatment, and the second would require the courts to confirm there was no such treatment by the police.

Political Prisoners.—The parliamentary human rights committee and ombudsman claimed that there were no official political prisoners in the country; however, many

individuals, including several high-ranking officials from the previous government, considered themselves political prisoners. International and local human rights organizations varied on estimates of how many political prisoners there were, reporting from none to 20.

Members of the former paramilitary group Mkhendroni and the Zviadists were reportedly no longer being held. The remaining Zviadists were released pursuant to a routine pardoning commission recommendation and presidential approval.

The government permitted international human rights and domestic organizations to visit those claiming to be political prisoners, and some organizations did so during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Legislation prohibits such actions without court approval or legal necessity and also prohibits police from searching a residence or conducting undercover or monitoring operations without a warrant. NGOs reported that in practice police conducted searches and occasionally monitored private telephone conversations without first obtaining court orders; the police often obtained the necessary warrant after the fact. NGOs reported that most people were unaware of their right to postpone a search of their home by one hour in order to summon an objective third party witness for the search. The government stated that security police and tax authorities entered homes and workplaces without prior legal sanction.

In Abkhazia teenage boys were frequently taken from their homes allegedly for forced conscription in the Abkhaz military. Some parents claimed that their sons were younger than 18 and thus too young for military service, while others claimed they paid ransoms for the release of their sons.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Separatist conflicts in the regions of Abkhazia and South Ossetia remained unresolved, although ceasefires were in effect. Commonwealth of Independent States peacekeeping forces (in effect Russian peacekeepers) were present in Abkhazia. Russian, Ossetian, and Georgian forces participated in a Joint Peace Keeping Force in South Ossetia. Incidents of violence occurred in both Abkhazia, particularly in the Gali region, and in South Ossetia. These conflicts and the problems associated with the approximately 230 thousand internally displaced persons (IDPs) from Abkhazia, 12,200 from South Ossetia, and 2,600 refugees from Chechnya posed a continued threat to national stability.

The government had no effective control over Abkhazia or South Ossetia during the year.

In September artillery shells were fired at an apartment building in Tskhinvali, South Ossetia, injuring 10 people; both sides denied responsibility, and a joint peacekeeping force investigation was inconclusive.

There was limited information on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions. A human rights commission established by the unrecognized South Ossetian government was abolished in 2004 and replaced by a Plenipotentiary on Human Rights. Abkhaz de facto authorities continued to resist the establishment of a UNOMIG human rights office in Gali.

The situation in the Gali region of Abkhazia, where many ethnic Georgians live, remained tense as a result of incidents of kidnapping, arbitrary arrest, and deaths in custody. Systemic problems in the criminal justice system, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Partisan groups active in Abkhazia engaged in criminal activity and frequently took hostages to exchange for captured compatriots or ransom.

The new Abkhaz law on citizenship, which excludes the possibility of dual Abkhaz-Georgian citizenship, limited the rights of the ethnic Georgian population in Abkhazia.

In South Ossetia kidnapping was used reciprocally both as a way to secure release for captured compatriots and for ransom. In one instance, an ethnic Georgian child was kidnapped within the conflict zone and released after 99 days of captivity. A bounty was offered but went uncollected.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, there were some incidents of government obstruction.

In 2004 parliament adopted a law on freedom of speech and expression providing greater protection for journalists, including the right to protect sources, protection of whistleblowers, the right to conscientious abstention from story assignments, and the corresponding protection from persecution from their employing media establishment if a journalist declined to take an assignment. Additionally defamation as a

criminal offence was officially abolished. Journalists were also legally able to tape using hidden microphones.

There were approximately 200 independent newspapers in circulation. During the year the print media frequently criticized senior government officials; however, few editorially independent newspapers were commercially viable. Typically newspapers were subsidized by and subject to the influence of patrons in politics and business. In addition lack of financial resources limited their circulation. In August the government unveiled an anticorruption action plan which called for an end of all direct and covert subsidies to the media; by year's end no action was taken on the plan.

Following the 2004 privatizations, there were seven independent television stations in Tbilisi, three with national coverage—Public TV, Rustavi-2, and Imedi. An international NGO estimated that there were more than 45 regional television stations outside of Tbilisi, 17 of which offered daily news. A lack of advertising revenue often forced regional television to depend on local government officials for support.

Throughout the year newspapers continued to be critical of the government while broadcast media tended to avoid criticism of the government on high profile issues such as judicial reform, in order to protect their business interests. Some NGOs and independent analysts accused the government of pressuring the media to avoid broadcasting material critical of the government, especially regarding controversial or high profile issues.

Economic and political pressure on the media, in part encouraged by the general low profitability of media outlets, particularly of print media, resulted in decreased diversity of opinions and more coverage favorable to the government.

In June 79 domestic print and broadcast organizations issued an open letter addressed to the government and international community, which complained of government pressure on the media, especially television stations.

The international media were allowed to operate freely.

Despite new comprehensive laws providing for media freedom and journalist protection, journalists did not avail themselves of these protections and often were uninformed about them. NGOs believed that lack of experience and professionalism explained the media's apparent aversion to asserting their legal rights.

In July Mze TV canceled *Archevanis Zgvarze (On the Verge of Choice)*, a popular television show often critical of government policy. The cancellation occurred shortly after an influential parliamentarian appeared on the show and criticized comments made by the program host. The government denied any connection with the cancellation.

In contrast to the previous year's absence of physical attacks, there were a number of physical attacks on media representatives, journalists, or their property.

In April a journalist from the newspaper *Imedi* in Kakheti alleged that Mikhail Kakalishvili, a member of the National Movement, assaulted her and forcefully destroyed a cassette. The journalist had earlier published stories critical of Member of Parliament (MP) Guram Kakalashvili, the brother of the alleged assailant. An investigation into the incident was pending at year's end.

In April journalist Saba Tsitsikashvili accused Mikheil Kareli, governor of the Shida Kartli region, of verbally and physically abusing him as he attempted to enter the village of Uplistsike to take photos of flood damage. On December 30, Tsitsikashvili filed suit against Kareli alleging illegal interference with the professional activities of a journalist. In a separate incident on September 6, Tsitsikashvili was attacked in Gori; he claimed the attack was retaliation for critical articles he wrote about the mayor of Gori. Police subsequently arrested the assailant, whom Tsitsikashvili identified in a line-up as a relative of one of the mayor's bodyguards.

Spektr, a newspaper in eastern Kakheti, alleged that copies of its newspapers disappeared from stores in April after it published articles critical of the local government; Kakheti officials denied any involvement. In June the editor of *Spektr*, Gela Mtvlishvili, accused Tengiz Benzhanishvili, the mayor of Signagi and the subject of a series of articles on corruption, of threatening her and her children.

In July unknown assailants threw a hand grenade that exploded in the yard of the newspaper *Spektr* editor. In November another grenade exploded in Mtvlishvili's yard. Local police closed an investigation into the harassment due to Mtvlishvili's reported unwillingness to cooperate with investigators.

In August hidden cameras captured Shalva Ramishvili accepting \$30 thousand (54 thousand GEL) from Koba Bekauri, an MP and National Movement party member. Ramishvili was the co-owner and general director of Television Station 202, as well as host of *Debates*, the last remaining politically focused talk show at that time that was willing to feature figures that criticized the government. Police said Ramishvili was accused of extorting a total of \$100 thousand (180 thousand GEL) from Bekauri in exchange for not broadcasting a compromising film about the MP. Ramishvili and 202 co-owner David Kokhreidze were both jailed; they claimed the

incident was a “sting operation” and part of a report on Bekauri’s business dealings. The government hailed the arrests as part of its crackdown on corruption; a trial was pending at year’s end.

On December 1, the governor of Imereti, Akaki Bobokhidze, reportedly severely beat journalist Irakli Imnaishvili after a televised debate. On December 7, a group of national journalists issued an appeal to the international community to persuade the government to open an investigation, which the prosecutor’s office did by year’s end. Bobokhidze submitted a letter of resignation but remained in office.

In December 2004 the State Monopoly Service of Georgia asked television stations Imedi and Kavkasia to suspend community announcements against the use of torture, sponsored by the European Commission and the FPPHR, a move allegedly to restrict public debate about police use of torture. The stations suspended the advertisements until late January, when, after meetings between all parties involved, the NGO received a letter from the monopoly service clarifying it did not ban the announcements, but recommended they not be aired. The community announcements were re-aired.

Self-censorship was still common as journalists feared losing their jobs.

A few journalists claimed they were denied access to public briefings. Radio Liberty’s local bureau reported trouble interacting with the defense ministry. In September Koba Liklikadze, a defense affairs reporter for Radio Liberty, said he was denied an interview with a defense ministry official. According to Liklikadze, defense ministry press secretary Nana Intskerveli said he was a “problematic journalist” and was no longer welcome at the defense ministry. Military expert and journalist Irakly Aladashvili also was denied access to the defense ministry. Liklikadze and Aladashvili were also both denied access to defense ministry press events hosted by foreign embassies. Journalists complained that it was difficult to obtain information from the MOIA as well as from state energy distribution companies.

Unlike the previous year, the government did not use financial pressure to influence media and there were no reports of harassment from state tax authorities.

Media in the separatist regions of South Ossetia and Abkhazia remained tightly restricted by their respective de facto governments.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the police were blamed in at least four instances for forcefully dispersing a peaceful protest.

The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Most permits for assemblies were granted although the government has the legal right to disperse any assembly that is “a disruption of the public order;” no mechanism is designated to determine what constitutes such a disruption.

In February a protest by students objecting to the detention of the rector of the university in Akhaltsike was forcefully dispersed by law enforcement. Police detained the leaders of the protest. Later, the police declined to punish the protesters after the ombudsman’s office intervened, declaring the government should be more patient towards peaceful meetings and assemblies.

On March 14, police dispersed a demonstration of medical students protesting the new law on higher education. Although students complained of excessive force, no injuries were reported.

On June 30, special forces disbursed a street demonstration in protest of a district court decision to put two well-known wrestlers accused of extortion into pretrial detention; opposition leaders in the crowd claimed injuries at the hands of special forces.

In August the patrol police used force to disperse a protest by residents of the western village of Chiatura who were seeking compensation for mining-related damage to their homes.

Reports indicated that activists beaten and apprehended in the 2004 protest of Zaza Ambroladze’s detention served administrative detention and were subsequently released.

Reports indicated that all 11 persons violently beaten and detained by police in the 2004 Batumi central market protest served administrative detention and were released.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination.

c. Freedom of Religion.—The law provides for freedom of religion; however, in practice local authorities sometimes restricted or were hostile to the rights of members of nontraditional religious minority groups.

The law recognizes the special role of the Georgian Orthodox Church (GOC) in the country's history but stipulates the separation of church and state. A constitutional agreement (Concordat) signed by the president and the Georgian Orthodox patriarch gives the GOC legal status and states that, with the consent of the GOC, the government can issue permits or licenses for the use of official symbols and terminology of the GOC, as well as for the production, import, and distribution of worship articles. The tax code grants tax exemptions only for the GOC.

In December numerous MPs objected strongly to a report by the ombudsman calling for equal recognition under the law for all religions. The MPs stated that the historical position of the GOC justified its privileged position.

Before a registration process for religious groups was established by parliament in April, religious groups were required to register as public entities, but the law provided no mechanism for such registration and stipulated a fine for any unregistered religion. Religious groups may now register as local associations ("unions") or foundations. An association is based on membership (a minimum of 5 members is required), while a foundation involves one or more founders establishing a fund for furtherance of a certain cause for the benefit of the particular group or the general public. In both cases, registration is granted by the MOJ. Registration must be granted or denied within 15 days of application. Refusal may be appealed in court.

The MOJ approved the first applications filed under the new registration process. Both the Foundation of the Church of Jesus Christ of Latter Day Saints and the Seventh Day Adventists received their approvals in less time than the period allowed by law. Some religious communities were dissatisfied with the status that registering under the law provided. The Catholic Church and Armenian Apostolic Church as well as Muslims opposed registering, short of registering as a religious body, and continued to object to the GOC's preferred status.

In some cases local authorities declined to recognize the validity of building permits for minority religions.

While less harassment was reported during the year, representatives of minority religion continued to report intimidation from local government authorities and obstructions to constructing worship halls. The Catholic Church, True Orthodox Church, Baptists, Armenian Apostolic Church, and other Protestant denominations had difficulty in building churches during the year.

Reports of violence against minority religious groups continued to decrease, but several groups reported intimidation by local authorities as well as by citizens. They reported that the government, particularly law enforcement personnel, failed to respond adequately and sometimes even cooperated in attacks, which consequently became more aggressive. Investigations into attacks on followers of minority religions were not pursued vigorously.

In August a large and vocal protest at the Vatican embassy by a GOC parents group objecting to perceived proselytizing by the Catholic Church continued for two days. Police did not disperse the protesters even when objects were thrown at the embassy.

A law separating state schools and religious teaching was also adopted in April. This narrows the interpretation of the GOC Concordat regarding teaching Orthodoxy as an elective part of the school curriculum. The new law stated that such Orthodox teaching may only take place after school hours and cannot be controlled by the school or teachers. Also, outsiders, including clergy, cannot regularly attend or direct student extracurricular activities, student clubs, or their meetings. Such classes were taught by lay theologians rather than priests.

The Ministry of Education (MOE) offered students the opportunity to take a "Religion and Culture" class, which covered the history of major religions. Many parents complained teachers focused solely on the GOC. The GOC has a consultative role in all curriculum development, although there was no textbook for "Religion and Culture."

Religious minorities broadly welcomed the changes to school religious education, although they observed along with NGOs that practice did not always keep pace with the law.

On January 22, the MOE and the GOC patriarchate signed a joint memorandum reaffirming their cooperation in the field of education. The memorandum created a joint working group to develop curriculum, choose teachers, and publish material for teaching Orthodox Christianity. The MOE offered to assist the church financially in its education projects and institutions and to include the church in the development of new material for religious education. No other religious groups were afforded these privileges. This education was not part of school programs or extracurricular

activities, but was offered only upon request outside of schools, similar to “Sunday school.”

The Roman Catholic Church and the Armenian Apostolic Church were unable to secure the return of churches closed or given to the GOC during the Soviet period. The Jewish community also experienced delays in the return of property confiscated during Soviet rule, including a former synagogue that a 2001 supreme court ruling instructed the government to return.

Societal Abuses and Discrimination.—Judaism is practiced in a number of communities throughout the country, particularly in the largest cities, Tbilisi and Kutaisi. There were approximately four thousand Jews remaining in the country; many emigrated in the early 1970s and during *perestroika* in the late 1980s. The Jewish communities reported they encountered few societal problems. There was no historical pattern of anti-Semitism in the country, nor were there any reported incidents of harassment during the year.

Despite a general tolerance toward minority religious groups traditional to the country—including Catholics, Armenian Apostolic Christians, Jews, and Muslims—citizens remained very apprehensive towards Protestants and other nontraditional religions, which were seen as taking advantage of the populace’s economic hardships by gaining membership through providing economic assistance to converts. Some members of the GOC and the public viewed non-Orthodox religious groups, particularly nontraditional groups or sects, as a threat to the national church and the country’s cultural values and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Reputable and repeated public opinion polls indicated that a majority of citizens believed minority or nontraditional religious groups were detrimental to the country and that prohibition and outright violence against such groups would be acceptable to control them.

On January 31, defrocked Orthodox priest Father Basil Mkalavishvili was sentenced to six years’ imprisonment on a number of counts related to his inciting and conducting religiously motivated violence. His deputy Petre Ivanidze and follower Merab Koroshinadze were given four- and one-year prison terms, respectively; four others received suspended sentences. The criminal case against Mkalavishvili, whose followers engaged in a number of violent attacks on nontraditional religious minorities, had been under way since 2000.

The conservative Orthodox group Society of David the Builder became active in harassing liberal activists within the GOC.

In March neighbors of a Seventh-Day Adventists’ worship hall in Rustavi threatened to burn it down if the Adventists held a planned conference. Police only agreed to prevent disruptions to the conference after NGO involvement. During the conference, however, a woman entered the church and verbally harassed the congregation. In a televised report about the incident, GOC priest Zurab Tskhovrebadze warned against Adventists and implied that the religion was un-Christian.

On April 1, members of the Jehovah’s Witnesses requested permission to use the Tbilisi Sports Palace for a two-day religious convention for up to five thousand persons. On April 18, the management of the Sports Palace responded that they would only be willing to accommodate such a convention if Jehovah’s Witnesses obtained a guarantee from the state to provide security. Private companies usually provide security for such events, and representatives of the Jehovah’s Witnesses complained it was a discriminatory demand. Instead, the Jehovah’s Witnesses held the conference on their own property in Marneuli without disturbance.

The Russian-language congregation led by Pentecostal pastor Nikolai Kalutsky was subject to many mob attacks, most recently blockades of attempted church services at his home in April. The police did little to protect his church or prosecute those responsible for the attacks. In May the constitutional court ruled that Kalutsky’s rights to practice his faith freely were violated by attacks. The MOJ and ombudsman agreed to assist the congregation in finding a new building for services.

Also in May Gaioz Shvangiradze and Ia Bagatelia, leaders of a Pentecostal church that meets in a private home in Orsantia village in Zugdidi district, were summoned by the head of the village administration, Murman Khazalia. Khazalia demanded to see their identity documents and proof of their right to hold services (no such official document exists or is required). He banned services until they could produce the documents and threatened to call in the police and representatives of the GOC. When Khazalia stepped down from his position for health reasons, the services resumed.

In June renovations to a Jehovah’s Witnesses’ meeting house in Kutaisi were halted due to attacks by angry neighbors. Victims in the attacks filed criminal complaints with authorities. Police were initially unresponsive to calls from the Jehovah’s Witnesses reporting the attack, but an investigation was under way and pending at year’s end. These attacks were accompanied by specific verbal threats against

the Jehovah's Witnesses. Renovations to the meeting house were still halted at year's end. At about the same time as the attacks at the renovation site, the Jehovah's Witnesses were able to conduct a regular congress in the city without incident.

In October the prosecutor's office's monthly report on promoting human rights noted 11 investigations based on religiously motivated attacks, 3 of which were related to the June incidents in Kutaisi. One indictment was submitted to court.

Regular and reliable information about South Ossetia and Abkhazia was difficult to obtain. Former Abkhaz president Vladislav Ardzinba's 1995 decree banning Jehovah's Witnesses in the region remained in effect, but was not enforced. Although Baptists, Lutherans, and Catholics also reported they were allowed to operate in Abkhazia, the GOC reported it was not able to operate. The GOC patriarchate expressed concern over Russian Orthodox Church (ROC) support of separatism in the region by subsidizing Web sites that encourage secessionist sentiments. The GOC patriarchate also complained that despite the fact that the ROC recognizes Abkhazia as part of Georgia, the Moscow Theological Seminary trained Abkhaz priests and the ROC sent in priests loyal to Moscow, under the pretext of setting up indigenous Abkhaz churches.

Several property disputes between the GOC and the Armenian Apostolic Church continued at year's end.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice. Freedom of movement was restricted by the de facto authorities in the separatist regions of Abkhazia and South Ossetia. Police checkpoints often obstructed citizens' internal movement in these regions.

A new Abkhaz citizenship law allowed dual Russian-Abkhaz citizenship but not dual Georgian-Abkhaz citizenship. As a result, ethnic Georgians in the separatist region must relinquish their Georgian passport to vote or participate in the political process. If they want to travel abroad, ethnic Georgians then must obtain a Russian passport.

The law prohibits forced exile, and the government did not employ it.

In 1999 a presidential decree was issued to repatriate and rehabilitate approximately 275 thousand Meskhetian Turks relocated during the Soviet period. A governmental commission set up in March by the president worked to determine the exact number of displaced Meskhetians and consider potential places for repatriation in the country. The commission's chairman visited Armenian-populated areas in the Samaske-Javakheti region where most Meskhetians historically resided, although the Armenian community there opposed Meskhetian repatriation. There were no new repatriations during the year.

Abkhaz militia conducted searches of local populations and erected border checkpoints in the villages of Kvemo Bargebi in June, Nabakevi in November, and Zemo Bargebi in December. Money and valuables were extorted from ethnic Georgians on the pretext that they violated identity document requirements.

Internally Displaced Persons (IDPs).—There were approximately 245 thousand persons displaced at year's end due to conflicts in the separatist regions of Abkhazia and South Ossetia, as well as hostilities in Chechnya. IDPs occupied collective centers in hotels, hospitals, and other civil buildings in Tbilisi, or lived in private homes with relatives or friends throughout the country, particularly concentrated in Tbilisi, Zugdidi, and Gori. The UN High Commissioner for Refugees (UNHCR) reported that collective centers were not well adapted to serve as homes. In October the government provided housing vouchers based on the average market value of homes in the area to 126 IDPs housed in a Kutaisi hospital's tuberculosis ward in close proximity with patients. During the year a fire at a collective center killed one IDP.

The Abkhaz separatist regime continued to prevent repatriation of the approximately 230 thousand IDPs previously driven from the region, despite a 1994 agreement between itself, Georgia, Russian, and the UNHCR. Also, the Abkhaz de facto authorities did not allow the opening of a human rights office in Gali which would help build confidence for refugee return, despite an agreement to do so. The de facto South Ossetian authorities continued to obstruct repatriation of 12,767 ethnic Georgians to the region.

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided some protection

against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

There were over two thousand registered refugees from Chechnya in the country. Chechen refugees settled in the Pankisi Valley in the eastern part of the country. International humanitarian organizations assistance to refugees in the Pankisi Valley was sporadic. Chechen refugees remained vulnerable to abuse, including police harassment and threats of *refoulement*.

The majority of the Chechen refugees lived with the local Kist (ethnic Chechens from Georgia) population; only 15 percent were sheltered in communal centers. In December one hundred Chechen refugees returned to Chechnya.

According to the ombudsman's office, in March two Kists, both Russian citizens, went to the Ministry of Refugees and Housing in Tbilisi seeking asylum. The MOIA arrested them and transported them to the Azerbaijani border, where authorities reportedly refused them entry unless they agreed to return to Russia. The men spent several weeks in the neutral zone between the Georgian and Azerbaijani borders before returning to Georgia. The Ministry of Refugees and Housing eventually gave the two Kists asylum status.

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 through periodic elections, held on the basis of universal suffrage. Irregularities in the November 2003 parliamentary elections led to peaceful mass protests, which resulted in former president Shevardnadze's resignation in November 2003. The supreme court subsequently annulled the results of the November 2003 parliamentary contests. In January 2004 Mikheil Saakashvili was elected president in the constitutionally mandated presidential election, and parliamentary elections were held in March of that year.

According to international observers and civil society groups, the February 2004 constitutional amendments that strengthened the power of the executive did so at the expense of the parliament and the judiciary.

A new Abkhaz citizenship law adopted in the fall did not allow dual Georgian-Abkhaz citizenship. As a result ethnic Georgians in the separatist region had to relinquish their Georgian passport to vote or participate in the political process. If they wanted to travel abroad, ethnic Georgians had to obtain a Russian passport.

Elections and Political Participation.—The OSCE reported that the January 2004 presidential election demonstrated notable progress, although time constraints limited administrative improvements since previous elections. The OSCE noted a continued lack of separation between state administration and political party structures and the tendency to misuse state administration resources. The voter register also continued to be incomplete and sometimes inaccurate. While the OSCE reported the voting process itself was excellent in the majority of regions, there were significant irregularities in Kvemo Kartli, and the worst irregularities were recorded in Ajara, where no pre-election registration was conducted and little to no campaigning occurred.

International observers deemed the March 2004 parliamentary elections the most democratic since independence, with voter registration procedures further improved, including the addition of a consolidated computerized database; however, there continued to be a lack of political balance and independence in election commissions. During the election, international observers noticed a number of irregularities, including campaign material on display in several polling stations, implausible voter turnout in certain regions, and an unusually high percentage of invalid votes. Significant voting irregularities again took place in Kvemo Kartli.

On October 1, parliamentary by-elections for five open seats were held and the ruling National Movement party won all five seats. Local NGOs, including the International Society for Fair Elections and Democracy (ISFED) (which had observers at all polling stations), considered the by-elections to be generally fair, despite continuing problems including inaccurate voter lists and a lack of tamper proof ballot boxes.

In April the government adopted a new law to address criticisms surrounding the composition of the Central Election Commission (CEC), the goal of which was to replace politically appointed CEC members with professionals. Previously, the CEC was staffed with political party members by quota, which led to its politicization. However, the new law does not define professionalism, how candidates will be screened, nor how a selection committee will be formed. NGOs and opposition groups criticized the law for purportedly consolidating power over the election proc-

ess in the hands of the president, who, according to the new law, appoints all members of the CEC selection commission. In June the new CEC chairman and members were confirmed by parliament. ISFED criticized the lack of transparency in the selection process and the ambiguity of the selection criteria. ISFED also noted that the government did little to publicize the competition for CEC members, rushed the selection process, and failed to define the criteria by which candidates were narrowed down or how many candidates were presented to the president. According to the law, the selection commission presents the president with two to five candidates for each vacant position. The president then chooses two candidates to nominate, after which parliament confirms one. Under the new law, only a simple majority is needed to confirm the CEC chairperson, as well as the other CEC members.

International organizations, including the UN and the OSCE, as well as the government did not recognize the October 2004 Abkhaz presidential elections or the repeat presidential elections in January.

There were no government restrictions on political party formation beyond registration requirements; according to the MOJ Registration and Licensing Department, there were 185 registered political parties. The government denied the Republican Party's registration to participate in the October by-elections. The party claimed the CEC had improperly prevented the party's participation in the by-elections, while the CEC claimed the Republican Party failed to properly complete the registration process. The CEC further noted that all other opposition parties had complied with the registration process.

An investigation into a July violent attack on opposition MP Valeri Gelashvili in Tbilisi continued. Armed and masked men attacked Gelashvili's car as he, his bodyguard, and a business associate were traveling on a main street during a weekday afternoon. Gelashvili was severely beaten in the face and head with gunstocks; the other two people in car were struck but did not require hospitalization. Opposition leaders and the media immediately speculated that the attack was politically motivated, since Gelashvili had been involved in a long running dispute with the government over being paid for work his construction company did on a new presidential residence; no valuables from the victims, nor the car itself, were taken to indicate robbery was a motivation.

There were 21 women in the 235-seat parliament. The speaker of parliament, Nino Burjanadze, was a woman. The majority head of parliament was also a woman, and women held important committee chairmanships.

There were 8 members of minority groups (5 Armenians and 3 Azeris) in the parliament.

Government Corruption and Transparency.—Government corruption continued to decrease in the executive branch, but remained widespread in the judicial branch and in some law enforcement agencies. During the year most government officials continued to receive salaries in a timely manner, reducing corruption significantly.

On June 28, the head of the Tbilisi city tax department and seven other officials were arrested on corruption charges. Minister of Finance Valeri Chechelashvili subsequently resigned on June 30 amid criticism from the president for weak oversight and control. In a 6-month period during the year, over 60 police officers were charged with corruption, in addition to 3 mayors and 6 prosecutors. The government fired 15 judges who were caught on videotape accepting bribes.

In August the State Minister for Reforms Coordination unveiled an anticorruption action plan, requiring elected officials to disclose their financial holdings; the action plan was not yet implemented by the end of the year.

The law provides for public access to government meetings and documents; however, the government usually did not provide access. The government often failed to register freedom of information act requests. Although the law states that a public agency shall release public information immediately or no later than 10 days from request, the release of requested information could be delayed indefinitely, and requests were sometimes ignored.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. While some NGOs enjoyed free access and close cooperation with the government, others complained of discrimination from government members.

The government maintained a constructive relationship with several NGOs, although it restricted government access to others.

A pre-Rose Revolution law providing for the Ministry of Finance to access the funding records of international NGOs was not adopted; no NGOs complained of the government implementing this provision.

The UNHCR and the OSCE operated sporadically in the separatist conflict areas due to poor security conditions but provided periodic findings, reports, and recommendations.

NGOs viewed the Office of the Public Defender, or ombudsman, as the most objective of the government's human rights bodies. The constitutionally mandated office monitored human rights conditions and investigated allegations of abuses. The parliamentary Committee on Human Rights and Civil Integration, the MOIA's human rights division, as well as the national security council's human rights advisor, also had a mandate to investigate claims of abuse. The prosecutor general office's human rights unit focused on curbing pretrial detention abuses and trafficking in persons. By statute the prosecutor general is charged with protection of human rights and fundamental freedoms—the human rights protection unit is the reporting and monitoring arm of the legal department and has no independent investigative powers.

In June an ombudsman official visited Prison No. 7 to interview a detainee who alleged abuse by prison administrators, accompanied by a general prosecutor representative, as is customary. During the visit, police forcibly confiscated a video camera, assaulted and locked both officials in a room, and damaged police property in an attempt to create evidence to show a provocation on the part of the ombudsman representative. As a result of a criminal case opened by the prosecutor general, the deputy director of the prison was arrested and the director of the prison was held in pretrial detention in his own prison. NGOs reported he still actively served as director, returning to his cell only when visitors were present.

The FPPHR was denied access to detention facilities. In December 2004 community announcements about police torture prepared by FPPHR were pulled from all television channels. Television representatives claimed that the advertisements were removed on the order of the Ministry of Security. The ministry claimed it merely gave a recommendation and left the choice to the channels (see section 2.a.).

The UNCHR office in Sukhumi continued to monitor the human rights climate in Abkhazia and to visit detention facilities in the region. Despite increasing concerns about the deteriorating situation in Gali, the de facto Abkhaz authorities continued to resist opening a UNOMIG human rights branch office in that area. In addition the de facto authorities still failed to implement UNOMIG's recommendations endorsed by the UN Security Council to permit education of local youth in their native Georgian language and to permit deployment of UNOMIG civilian police officers in the Gali area.

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

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not always enforce these provisions effectively.

Women.—Violence against women was a problem. There are no laws that specifically criminalize domestic violence. Domestic violence was reportedly one of the leading causes of divorce but was rarely reported or punished because of social taboos and because it is not illegal. In 2003, 795 crimes were registered against women. A local NGO operated a shelter for abused women, although services were limited due to a lack of facilities. The government operated a hot line for abused women but did not provide other services.

Rape, including spousal rape, is illegal. A first time offender may be imprisoned for up to 7 years; a repeat offender or perpetrator against multiple victims may receive up to 10 years; factors such as if the victim was pregnant, contracted HIV/AIDS, or subjected to extreme violence, demand up to 15 years; and if the victim was a minor, up to 20 years. The MOIA reported 141 cases of rape and attempted rape during the year. Observers believed many instances of rape went under-reported due to social stigmas for victims. Police did not always investigate reports of rape. There was a hotline for victims.

The kidnapping of women for marriage occurred, particularly in rural areas, although the practice continued to decline. Such kidnappings often were arranged elopements; however, at times abductions occurred against the will of the intended bride and involved rape. Police rarely took action in these cases even though the law criminalizes kidnapping.

Prostitution is a criminal offense but was widespread, especially in Tbilisi. Several NGOs claimed that prostitution increased during the year due to continuing poor economic conditions.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment and violence against women in the workplace was a problem. The law prohibits sexual harassment; however, the government did not effectively enforce the law, and complaints were rarely investigated.

The law provides for the equality of men and women; however, in practice this was not enforced. NGOs reported that discrimination against women in the workplace exists but instances were never reported. The speaker of parliament set up a Gender Equity Council including MPs, as well as representatives from the executive branch, the ombudsman's office, and NGOs. A government commission on gender equality was established under the prime minister to implement relevant policies.

Women's access to the labor market improved; however, women remained primarily confined to low-paying and low-skilled positions, regardless of professional and academic qualifications, and salaries for women lagged behind those for men. As a result, many women sought employment abroad. According to the UN Development Program (UNDP), employers frequently withheld benefits connected to pregnancy and childbirth. Five servicewomen claimed they were discharged from the armed forces while on maternity leave, despite a law that prohibits dismissal from employment of pregnant women and women with children under the age of three. A lawsuit was filed in April and was pending at year's end.

Children.—The law provides for the protection of children's rights and welfare, although funding shortages limited government services.

Primary and basic education is compulsory from age 6 or 7 to age 14, and provided up to age 16 (a total of 11 years). UNICEF estimated primary school enrollment at 91 percent in 2003 and secondary school enrollment at 79 percent in 2002, and most children attended school. Education was officially free through high school, but in practice a lack of resources inhibited schools functioning continually and affected the quality of education in some areas. School facilities were inadequate and lacked heating, libraries, and blackboards. Most parents were obliged to pay some form of tuition or teachers' salaries, which otherwise went unpaid. However, many parents were unable to afford books and school supplies, and in some cases students were forced to drop out due to an inability or unwillingness to pay "tuition."

In June the MOE implemented a series of examinations to determine eligibility to enter university, in an effort to combat endemic bribery previously necessary to ensure acceptances, recommendations, and good grades. Officials believed up to \$30 million (54 million GEL) were spent on bribes annually, more than the country's entire education budget. The exams were uniformly praised for eliminating rampant corruption in the university enrollment process. Parent-teacher supervisory boards were established at secondary schools, providing better oversight of school management.

Free health care was available for children up to age four.

There were some reports of child abuse, particularly of street children, although there was no societal pattern of such abuse. Child abuse other than sexual abuse is not specifically criminalized.

Incidents of sexual exploitation of children, especially among girls, were reported. Child prostitution and pornography are punishable by up to three years' imprisonment. The MOIA sponsored a center for the rehabilitation of minors, which regularly provided medical and psychological assistance to child and adolescent victims of prostitution before returning them to guardians.

There were unconfirmed reports of trafficking in children (see section 5, Trafficking). Street children and children living in orphanages were reportedly particularly vulnerable to trafficking.

Difficult economic conditions broke up some families and increased the number of street children. NGOs estimated that there were approximately 1,500 street children between 3 and 15 years old in the country, with 1,200 concentrated in Tbilisi, due to the inability of orphanages and the government to provide support. The private voluntary organization Child and Environment and the MOE each operated a shelter in Tbilisi; however, the two shelters could accommodate only a small number of street children. The government took little other action to assist street children. There were unconfirmed reports of police violence against street children, but the patrol police routinely transferred street children to a 24-hour care center or orphanage.

Orphanages were unable to provide adequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. Staff wages, which had been poor and often many months in arrears, were increased and paid on a more regular basis. Due to reported mismanagement of resources, staff members often diverted money and supplies provided to the orphanages for personal use.

In August the ombudsman's office reported that corrupt practices led to unsanitary conditions at the Gldani orphanage in Tbilisi. Management reportedly purchased inferior products and skimmed from employee salaries. Children lacked clothes, food, toothbrushes, blankets, and other necessities, and the first floor of the

orphanage was flooded due to plumbing problems. By year's end the orphanage had been repaired, but reports of financial mismanagement persisted.

Ongoing conflicts in Abkhazia and South Ossetia displaced thousands of children. In these regions UNICEF reported that health services were scant, immunization rates were lower than elsewhere in the country, schools were deteriorating, and malnutrition was a serious problem.

Trafficking in Persons.—Although the law prohibits trafficking in persons, the country was a source, transit point, and destination for trafficked persons. There was evidence that local officials facilitated trafficking.

The law prohibits trafficking in persons, including minors, for the purposes of sexual, labor, and other forms of exploitation. The basic penalty is from 5 to 12 years' imprisonment, with maximum penalties of 20 years for aggravated circumstances. A memorandum of understanding between the prosecutor general's office and the Ministry of State Security allowed greater cooperation, joint operations, and a number of arrests and charges under trafficking statutes. During the year there were 24 criminal investigations on trafficking in persons; charges were pressed in 11 cases. Eight cases were brought to trial resulting in six convictions.

On January 3, a new antitrafficking and illegal migration unit (ATIM) was created within the MOIA. In its first year of existence, the ATIM made arrests in five trafficking cases, one of which included a government official.

In January the new ATIM arrested Georgian members of an international trafficking operation, involving Georgia, Turkey, and Azerbaijan, which had actively recruited impoverished women. Women were sent to Azerbaijan where they were confined, injected with drugs, and sexually abused before being trafficked back through Georgia to Turkey for forced prostitution. Victims were eventually returned to Tbilisi after their Turkish tourist visas expired. The local leader of the operation was incarcerated pending prosecution, and the case continued at year's end.

Also in January the ATIM arrested an individual in connection with the internal trafficking and enslavement of Giorgi Brevadze. Brevadze, an engineer by education, was held by the Chikadua family in Svaneti for approximately a year and a half for forced labor and then sold to a cousin for \$200 (360 GEL).

During the year MOIA representatives from the Department for Combating Trafficking and Illegal Migration detained Ivlika Djavakhishvili and Nanuli Kendadze, a maternity hospital employee, on charges of child trafficking. In Kutaisi, MOIA representatives detained Laura Obladze, Liana Kovzadze, and Zaira Areladze—also employees of local maternity hospitals—on charges of child trafficking. Investigations by the general prosecutor's office in both cases were under way at year's end.

Ashot Hovhannesian, charged in 2004 with organizing a trafficking network and seeking to traffic 14 Uzbek women to Dubai, was sentenced to five years' imprisonment. The sentence was suspended due to many victims' unwillingness to testify.

On February 1, President Saakashvili established an Interagency Commission against Trafficking (ICAT) under the auspices of the NSC. International organizations and NGOs were also invited to participate. The human rights unit of the NSC was responsible for monitoring the overall trafficking situation in the country. On November 29, the president appointed the prosecutor general to be ICAT chairman. The prosecutor's office has the responsibility to monitor trafficking cases.

The country cooperated with other countries in the region to uncover trafficking rings and assisted in the repatriation of trafficked persons discovered in transit through the country.

The extent of trafficking was not large, and the country was primarily a transit country, country of origin, and very rarely a destination, for trafficked persons. Women were trafficked from the country to Turkey, Greece, the United Arab Emirates, the US, and Western Europe to work in hotels, bars, restaurants, or as domestic help. Many worked in the adult entertainment sector or as prostitutes. There also was evidence that Ukrainian and Uzbek women, as well as women from other countries of the former Soviet Union, were trafficked through the country to Turkey, sometimes using fraudulently obtained passports. Georgian victims most likely came directly from Tbilisi or the impoverished former industrial centers of Poti, Kutaisi, and Rustavi. Local NGOs reported that men were trafficked to Russia, Greece, Spain, Portugal, and other destinations to work in construction, agriculture, and manual labor. Children were seldom trafficking victims, although street children and children living in orphanages were allegedly particularly vulnerable. During the year trafficking cases indicated IDPs were a particular target for traffickers. Conditions for trafficked laborers and prostitutes were extremely poor.

Traffickers were largely freelance domestic operators with connections abroad, as well as some small international operations.

Traffickers often used offers of employment from friends and families to lure potential victims. Overseas jobs offered through tourism firms or employment agencies

were also methods, but during the year it did not appear that employment agencies were aware that they were fronting for traffickers.

There was evidence of certain individual government officials' involvement in trafficking. In February two government officials, David Kobakhidze and Giorgi Amilakhvair, heads of the Ambrolauri and Zestponi passport agencies, were arrested and charged with misuse of authority, fraud, and facilitation of trafficking; an investigation continued at year's end.

The MOIA made numerous public statements that victims of trafficking would not be held liable for their crimes associated with having been trafficked, such as illegal border crossing, if they provided significant information about the crime of trafficking. No victims were prosecuted for violations committed while they were trafficked.

There were no government programs to help victims; however, the government referred victims to several NGOs that provided assistance to victims. The government also provided manpower and facilities to NGOs, although it did not contribute financial resources to victim assistance. The IOM provided repatriation assistance. One internationally funded NGO operated a trafficking hot line that offered psychological support and assistance, although only a small percentage of the callers identified themselves as trafficking victims. The IOM operated three hot lines.

The government did not conduct any large-scale public awareness campaigns during the year, although it cooperated with multiple NGOs which continued to provide informational brochures and local television public announcement campaigns.

A government action plan incorporated educational and informational activities, informational materials for the public on legitimate overseas employment, special training for target groups (including social workers, law enforcement officials, and judges), and a civic education curriculum.

Persons with Disabilities.—The law prohibited discrimination against persons with disabilities, although in practice the issue was a low priority for the government. Discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services was a problem, and societal discrimination against persons with disabilities existed. There is no law or official provision mandating access to buildings for persons with disabilities and very few, if any, public facilities or buildings were accessible.

In June a group of disabled children in wheelchairs were refused entry to a restaurant in Mtskheta. The children were offered admission to the restaurant after the intervention of the president's representative to the region (a position similar to a de facto governor or mayor). The general prosecutor and MOIA announced an investigation of the incident. NGOs reported no one was held accountable.

A report issued jointly by the ombudsman and the health minister found that conditions at the Gldani psychiatric hospital were substandard. The report's primary concerns included lack of proper equipment, medicine, and heat.

National/Racial/Ethnic Minorities.—The government generally respected the rights of ethnic minorities in nonconflict areas but limited self-government. The law stipulates that Georgian is the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetians, and Russians usually communicated in their native languages or in Russian. New requirements for serving on the CEC mandated that a candidate must speak Georgian, thereby effectively excluding many citizens who do not speak the language. Some government materials distributed to the public were only available in the Georgian language.

Ethnic Georgians living in the Gali region of Abkhazia had no access to education in the Georgian language.

In March in the Tsalka region, ethnic tensions flared after a violent attack upon a Greek family. The family claimed that police were unresponsive to the incident. Tsalka Greeks in general complained of persecution by Georgians resettled from Svaneti and Ajara, mostly manifested in robberies; while there was an ethnic dimension to the situation, it was difficult to ascertain whether ethnic or criminal factors were the key motivations behind these acts. Observers also noted that a lack of resources for adequate policing in the region contributed to the problem.

Other Societal Abuses and Discrimination.—The law expressly prohibits discrimination on the basis of HIV/AIDS status; however, there is no penalty for violating this prohibition. NGOs reported societal stigmas that resulted in individuals avoiding testing or obtaining health care for fear of discrimination. Some health care providers, especially dentists, often refused to provide services to HIV-positive persons. Individuals often concealed their HIV-positive status from employers for fear of losing their jobs. The MOIA conducted mandatory testing on all job applicants.

Section 6. Worker Rights

a. The Right of Association.—The law allows all workers, including government employees, to form and to join unions of their choice, and they did so in practice. However, there are certain restrictions with regard to law enforcement agencies and employees of the general prosecutor's office.

The principal union was the Georgian Trade Union Amalgamation (GTUA), which was the successor to the official Soviet labor union. The GTUA consisted of 31 sector unions and over 259 thousand unionized workers, 14 percent of the total workforce (1.8 million). There were two additional unions: the Free Trade Union of Teachers of Georgia Solidarity and the Independent Trade Union of Metropolitan Employees.

The GTUA inherited substantial real estate and other assets unrelated to the essential functions of a labor federation from its Soviet-era predecessor. During the year GTUA leaders claimed the government threatened them with prosecution to force a transfer of GTUA property to the government. The GTUA deputy claimed he was arrested and held without charge, but then was released when GTUA transferred its property to the government. Officially the transfer took place in compliance with the law, as it was based on the decision of the supervisory board. GTUA filed a complaint with the International Labor Organization (ILO). In response the ILO Committee on Freedom of Association invited the ILO Governing Body to approve a number of recommendations, including a request that the government return seized property to the trade unions, take measures to ensure the GTUA's appeal regarding its assets is heard, refrain from any interference in workers' organizations to elect their representation freely, and drop criminal charges against GTUA head Irakli Tugushi. The ILO Governing Body noted these recommendations at its session in November.

The law prohibits discrimination by employers against union members, and employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages. Despite this provision the GTUA and its national unions reported frequent cases of management warning staff not to organize trade unions. Some workers, including teachers, employees of various mining, winemaking, pipeline, and port facilities, and the Tbilisi municipal government reportedly complained of being intimidated or threatened by employers—including their public sector employers—for union organizing activity. Observers also claimed that employers failed to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry of Labor investigated some complaints but took no action against any employers.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference. Collective bargaining is recognized by law, and the law provides punitive measures against those who refuse to take part in negotiations. However, the government did not always protect this right in practice. The practice of collective bargaining was not widespread. The GTUA administered approximately 1,600 collective bargaining agreements. Prior poor management and leadership, plus a general unfamiliarity with the collective bargaining process, limited the scope of collective bargaining.

The law provides for the right to strike with some restrictions on certain agencies, and on strikes that could pose a threat to life. In general workers exercised their right to strike in accordance with the labor code; strikes must be sanctioned by the employer based on written notification provided three days in advance and a one-hour warning strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

In Abkhazia in August, the head of the village of Achigvara forced ethnic Georgians to work in the nut harvest. Bajuli Jgerenaia was severely beaten for protesting this forced labor. The head of Repi village in the Gali region of Abkhazia required villagers to pay him a tribute of 150 kg of nuts per family from their harvest. In Sheshleti village in Gali, the head of the village required inhabitants to pay him 1 kg of nuts per tree.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, but the government was not able to implement them effectively. The Ministry of Health, Social Service, and Labor is responsible for enforcing laws regulating child labor. The actual enforcement of these laws was questionable, although child labor was not considered a serious problem.

According to the law, the minimum age for employment of children is age 16. In exceptional cases, children may work with parental consent at ages 14 and 15. Chil-

dren under age 18 may not engage in unhealthy or underground work, and children 15 and over are subject to reduced working hours. The Labor Inspection Department at the Ministry of Health and Social Security was the only mechanism for monitoring enforcement of the minimum age requirement; however, the department was dissolved during the year. At year's end a small group of labor inspectors ensured compliance with the law by checking personnel records at organizations, because problems were not likely to be documented in official company records. The only organizations believed to strictly follow minimum age rules were the railroad and aviation departments.

Children were trafficked for sexual exploitation (see section 5).

e. Acceptable Conditions of Work.—The national minimum wage for public employees grew to \$63.88 (115 GEL) a month, an increase stemming from reforms in tax and revenue collection, government downsizing, and anticorruption actions. However, the minimum wage still did not provide a decent standard of living for a worker and family. The official minimum subsistence level for a single person was \$83.33 (150 GEL) and for a family of four \$145.55 (262 GEL). The mandated minimum wage for private sector workers was \$11.11 (20 GEL). The average wage in private enterprises was \$81.66 (147 GEL) monthly; in state enterprises, \$82.77 (149 GEL). Minimum monthly pensions doubled from \$7.77 (14 GEL) to \$15.55 (28 GEL). Unreported trade activities, assistance from family and friends, and the sale of home-grown agricultural products often supplemented salaries. The Ministry of Health and Social Security, previously called the Ministry of Health, Social Security and Labor, was responsible for enforcing the minimum wage. The GTUA had its own inspector to monitor compliance.

The old Soviet labor code, still in effect with some amendments, provides for a 41-hour workweek and for a weekly 24-hour rest period. Overtime work, as a rule, is not permitted, and can be applied only in exceptional cases; premium pay for overtime is required. Standards were not effectively observed.

The government set occupational health and safety standards. The Ministry of Health and Social Security is charged with monitoring implementation of health and safety standards. Enforcement was a problem; however, as the labor inspection department was dissolved. The law permits higher wages for hazardous work, and the law provides workers with the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment. In practice these protections were rarely, if ever, enforced.

GERMANY

Germany is a constitutional parliamentary democracy with a population of approximately 82 million. Citizens periodically choose their representatives in free and fair multiparty elections; a national parliamentary election took place on September 18, resulting in almost equal representation for the two largest parties, the Christian Democratic Union/Christian Social Union and the Social Democratic Party of Germany, which agreed to form a grand coalition government. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. The following human rights problems were reported:

- instances of ill-treatment of prisoners and detainees by police
- limits on freedom of speech, press, assembly, and association aimed at neo-Nazi groups
- government and societal discrimination against minority religious groups
- violence against women, instances of "honor" killings and forced marriages
- trafficking in persons
- harassment of foreigners and racial minorities

RESPECT FOR HUMAN RIGHTS

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

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

In the August 2004 case of a man who died shortly after arrest in Berlin, an investigation determined that death resulted from a ruptured spleen due to hepatitis. Both the Interior Committee of the Berlin State legislature and the Berlin Public

Prosecutor's Office determined that the Special Unit Commandos had performed their duties correctly.

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 these prohibitions were generally followed. The government investigated a number of abuses committed in previous years and prosecuted police who mistreated persons in custody.

The investigation of abuse of a kidnapping suspect in 2004 by three Baden-Wuerttemberg police officers continued, with no new information reported. There were no known developments in the 2003 case of a Cologne police headquarters employee who struck a detainee or in the 2003 beating of Andre Heech in Frankfurt am Main.

There were the following developments in the 2004 case of mistreatment of army recruits in Coesfeld: Two Bundeswehr trainers were dismissed in March. In December a criminal division of the Muenster Regional Court found there was not sufficient evidence for opening a trial against 9 of the 18 Bundeswehr instructors indicted the previous June by the Muenster public prosecutor on charges of "maltreatment or degrading treatment of subordinates" during military training exercises. The court also ruled that the charge of degrading treatment be dropped against the remaining nine Bundeswehr instructors, whose trial was pending at year's end.

There were a number of violent attacks by right-wing groups on members of minority groups, foreigners, and political opponents (see section 5).

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

In January a detainee, who was an asylum seeker from Sierra Leone, died in a Saxon-Anhalt jail-cell fire. Police had placed ankle and wrist restraints on the man who appeared to be under the influence of alcohol and drugs and placed him in a holding cell "for his own safety." When the fire broke out, wardens failed to take action in time to save the detainee's life. A state investigation was pending at year's end.

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

Role of the Police and Security Apparatus.—The police forces are organized at the state level. The Federal Criminal Investigative Service has responsibilities regarding counterterrorism and international organized crime, coordinates crime suppression at the national and international level, and investigates certain limited cases of international crime as mandated by the law or the public prosecutor. Police forces in general were trained to a high professional level, disciplined, and mindful of citizens' rights. The government investigated abuses and prosecuted police who mistreated persons in custody. Allegations of corruption were rare.

Arrest and Detention.—An individual may be arrested only on the basis of a warrant issued by a competent judicial authority, unless the suspect is caught in the act of committing a crime or the police have strong reason to believe that the individual intends to commit a crime. Detainees should be allowed prompt access to lawyers and, if indigent, to one provided by the state. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. An individual detained by police must be brought before a judge and charged within 24 hours of the arrest. The court then must issue an arrest warrant stating the grounds for detention or order the individual's release. These rights were generally respected.

Police may detain known or suspected radicals for brief periods when they believed such individuals intended to participate in illegal or unauthorized demonstrations (see section 2.b.). The rules governing this type of detention differ by state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial detention. There were no reports of such detention during the year.

Although criminals cannot be punished twice for the same crime, the law allows "retroactive preventive detention" in cases involving such crimes as rape, homicide, or manslaughter, which permits courts to order that detention be continued after the sentence has been served. Such preventive detention requires a court finding that the convicted person could pose a danger to the public, based on at least one expert opinion. The detention could last indefinitely.

Bail exists but was employed infrequently; detainees usually were released unless there was clear danger of flight outside the country, in which case a person may be detained for the duration of the investigation and subsequent trial. Such deci-

sions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the government must compensate the individual.

There were no reports of political detainees.

In August the Federal Statistical Office reported that approximately 19 percent of prisoners were in pretrial detention. Statistics for 2003 in the former West German states and Berlin indicated that just under 20 percent of pretrial detainees had been held 6 months or more, while 32 percent had been held 1 month or less.

In September the Constitutional Court ruled that the right to a speedy trial had been violated in the case of a criminal suspect who had been in "investigative detention" since 1997. The man was suspected of having caused a gas explosion that killed six residents of an apartment building. The court ruled that the man should not have been detained because the state had no concrete evidence against him.

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

Ordinary courts have jurisdiction in criminal and civil matters. There are three levels of such courts (local courts, regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition to the ordinary courts, there are four types of specialized courts: administrative, labor, social, and fiscal, each with an appellate process.

In addition the Federal Constitutional Court, the country's supreme court, reviews laws to ensure their compatibility with the constitution and adjudicates disputes between different branches of government on questions of competency. It may also hear and decide cases concerning the infringement of a person's basic constitutional rights by a public authority.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Court proceedings at times were delayed because of heavy caseloads. For simple or less serious cases, procedures exist for an accelerated hearing and summary punishment at the local court level. The maximum sentence for such cases is limited to one year. Generally, a one-year sentence was suspended with the individual placed on probation.

Trials are public and juries are not used. Cases are heard either by one judge, a panel of professional judges, or a mixed panel of professional and lay judges, depending on the severity of the charges. Defendants are required to be present and have the right to consult with an attorney in a timely manner. An attorney is provided at public expense if defendants demonstrate financial need. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. In addition defendants and their attorneys have access to government-held evidence relevant to their cases. They also enjoy a presumption of innocence and have a right of appeal.

There are no military, security, or other judicial systems.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and government authorities generally respected these prohibitions in practice; however, federal and state offices for the protection of the constitution (OPCs) may have infringed on the privacy of members of organizations under observation (see sections 2.b. and 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; while the government generally respected these rights, it did impose some limits.

In June the district court of Rotenburg (Wuemme) in Lower Saxony fined a Hamburg lawyer \$1,920 (1,600 euros) for making inflammatory threats to a political opponent.

After six-and-a-half-years of proceedings, the district court in Stralsund sentenced the federal chairman of the National Democratic Party of Germany, Udo Voigt, to two years' probation after his conviction for sedition, arising from a 1998 campaign event at which he incited hatred against "established politicians."

Distribution of the propaganda of proscribed organizations is illegal, as are statements inciting racial hatred, endorsing Nazism, and denying the Holocaust. Apart from these limitations, an active independent media expressed a wide variety of views without government restriction.

According to media reports, in October then minister of the interior Otto Schily authorized a raid of offices of the periodical *Cicero* to search for classified government documents that allegedly had been leaked to the magazine. Authorities also searched the author's home, allegedly seizing files and documents that were beyond

the scope of the search warrant. Schily defended the raid in testimony to the Interior Committee, stating that freedom of the press did not extend as far as violation of laws protecting state secrets. The Interior Committee took no further action. *Cicero* magazine's appeal against the Potsdam court decision that authorized the raid was pending at year's end.

The law bans access to prohibited material (for example, child pornography and Nazi propaganda) on the Internet, and authorities sought to block Internet material considered dangerous. There were no further developments in the 2004 case regarding appeals in North-Rhine Westphalia of ordinances requiring Internet providers to block access to certain Web sites promoting right-wing extremism.

There were no government restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice; however, outlawed organizations were not permitted to hold public assemblies. Permits must be obtained for open-air public rallies and marches, and state and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies.

Pursuant to newly implemented legislation that forbids the glorification of National Socialism, authorities banned the "traditional" August neo-Nazi march in Wunsiedel, honoring Rudolf Hess.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice; however, the law permits the banning of organizations whose activities are found to be illegal or opposed to the constitutional democratic order. While the Federal Constitutional Court is the only body that can outlaw political parties on these grounds, federal or state governments may do so for other organizations, which have the right to appeal. Banned organizations included a number of groups that authorities generally classified as extremist or criminal in nature.

Federal and state OPCs charged with examining possible threats to the constitutional democratic system maintained observation of several hundred organizations. Observation generally consisted of collecting information from written materials and firsthand accounts in order to assess the possible threat; OPCs could employ more intrusive methods, such as the use of undercover agents, subject to legal checks. While OPC monitoring by law may not interfere with the continued activities of any organization, the state OPCs published lists of organizations they monitored, which could affect activities of those organizations (see section 2.c.).

The Islamische Religionsgemeinschaft Hessen (IRH), Hesse State's largest Muslim umbrella organization, protested its listing in the Hesse OPC report. The Hesse interior ministry claimed that IRH activities, such as limiting female student participation and promoting Shari'a (Islamic law), contradicted basic constitutional principles.

In April the Flensburg district court in Schleswig-Holstein imposed sentences on members of suspected neo-Nazi groups who had been arrested in 2003 and tried on charges of coercion, extortionate robbery, and production of illegal propaganda material. The sentences included three probation terms ranging from 12 to 21 months. In addition the court fined one defendant \$900 (750 euros) for causing bodily injury; a fifth defendant was acquitted.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice; however, some religious minorities continued to experience discrimination.

Religious organizations are not required to register, although many did so and were treated as nonprofit associations with tax-exempt status. The state confers certain further advantages upon religious communities that obtain the status of "corporation under public law," which entitles the communities to levy taxes on their members that the government collects on their behalf. No state has granted any Muslim group public law corporation status, because no Muslim organization has been able to show that it meets the necessary criteria.

The government does not recognize several belief systems, such as Scientology, as religions; however, it does not prevent them from engaging in public and private religious activities. Federal and state authorities classified Scientology as a potential threat to democratic order, a status that led to employment and commercial discrimination against Scientologists in both the public and private sectors. Jehovah's Witnesses' efforts to obtain public corporate status remain unresolved. In March the Berlin administrative court ruled for a second time that there was no proof of the allegation that Jehovah's Witnesses' loyalty to a democratic state was questionable, and the court ordered the senate to grant the status. The senate appealed the deci-

sion to the federal administrative court in Leipzig, and the case was pending at year's end.

The states' treatment of the Church of Scientology varied widely. Most states did not monitor Scientology, but Bavaria and Baden-Wuerttemberg continued to do so. In April the superior court of Saarland ruled that the state could no longer clandestinely observe the Church of Scientology. A Scientologist appeal of the Cologne administrative court's November 2004 ruling that observation on a federal level was legal remained pending at year's end.

In November the Federal Employment Office stated that it does not use the *S* notation or other designation for companies with a connection to Scientology and that it had not used any such designation "for years." Private sector firms frequently screened for Scientology affiliations, citing OPC observation of Scientology as a justification for discrimination.

There were no new developments in the Unification Church's case against the government's entry ban on Unification Church founder Reverend Sun Myung Moon and his wife.

Laws enacted by several states ban the wearing of headscarves by teachers in public schools, which led to dismissals of teachers. In April the Bremen education ministry denied an applicant a trainee teacher position after she refused to sign a commitment to abstain from wearing a headscarf in class. The applicant obtained a preliminary injunction from the Bremen Administrative Court, but in August the Bremen Higher Administrative Court ruled that the state could refuse her traineeship because her headscarf would "seriously jeopardize school peace."

On August 22, teacher Nuray Arioiz was fired for wearing a headscarf during working hours in the public kindergarten of Ebersbach, Baden-Wuerttemberg. The city's administration defended its ban on wearing religious symbols in public kindergartens on the basis of the state's headscarf law, although kindergartens were not considered schools and were not directly covered by the law.

Fereshta Ludin, who was denied a teaching position in 2004, did not appeal the Leipzig Federal Administrative Court ruling upholding the Baden-Wuerttemberg headscarf law. Doris Graber, who was suspended from teaching in 2004, returned to teaching at a public school in Stuttgart after agreeing not to wear a headscarf during classroom hours.

Societal Abuses and Discrimination.—There were reports of societal discrimination, including anti-Semitism, against members of religious groups, which federal and state governments sought to combat.

The Lutheran Church employed "sect commissioners" to warn the public about supposed dangers posed by Scientology, as well as by the Unification Church, Bhagwan-Osho, and Transcendental Meditation. The Lutheran Church also characterized as "sects" (but in less negative terms) the Church of Jesus Christ of Latter-day Saints (Mormons), the Jehovah's Witnesses, the Church of Christ, Christian Scientists, the New Apostolic Church, and the Johannish Church.

Many branches of Islam were represented in the country. There remained areas where the law conflicted with Islamic practices or raised religious freedom issues, notably the wearing of headscarves. The authorities continued surveillance of some mosques, ostensibly to prevent Islamic extremist terrorism. Some Muslim organizations claimed that regular incidents of unjustified police checks at mosques in which mosque attendees were sometimes not allowed to leave until all identities had been verified, created a general atmosphere of suspicion against all Muslims. Large antiterrorism operations involving raids on mosques and Islamic centers took place in Bavaria and Baden-Wuerttemberg in January and throughout the country in April. The Muslim community criticized these raids as hindering their freedom to practice their religion and stigmatizing them.

Much societal discrimination was directed against particular ethnic groups, which are also primarily Muslim, especially Turks. While there were no statistics specifically documenting discrimination, an April study by the Center for Turkish Studies stated that one-third of an estimated three million Turks in the country lived below the poverty level; a further third lived just above the poverty level. Only 5 percent of Turkish students attend a *gymnasium*, a top-tier secondary school, necessary to enter university (see section 5).

There were an estimated 120 thousand members in the Jewish Community. The federal OPC's 2004 report registered 1,316 anti-Semitic crimes, compared with 1,199 in 2003. Among these the number of violent crimes increased from 35 to 37, but reported desecrations of Jewish cemeteries, synagogues, and memorials decreased from 113 to 100.

There were no developments in the 2004 case of Jewish cemetery desecrations in Neunkirchen.

In January following criticisms from a member of parliament, the Hesse criminal office began investigating virulently anti-Semitic reporting by the Istanbul-based newspaper *Vakit*. In January the interior minister banned the newspaper and its publisher. In August prosecutors concluded they could not charge the editors since the articles were written abroad.

On March 3, the radio station SWR 4 withdrew its invitation to singer Christian Anders to perform at an event, after Anders' holocaust denial on his private Web site was publicized. Anders had also re-edited and published an anti-Semitic song.

On August 15, the Electoral Alternative for Social Justice Party in Trier expelled its county chairman, Wolfgang Schmitt, for using anti-Semitic rhetoric.

Authorities ran a variety of tolerance-education programs, many focusing on anti-Semitism and xenophobia. Government agencies cooperated with nongovernmental organizations (NGOs) in the formulation and administration of these programs.

For a more detailed discussion, see the *2005 International Religious Freedom report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

For ethnic Germans from Eastern Europe and the former Soviet Union, the law provides both for citizenship immediately upon application and for legal residence without restrictions.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government generally provided protection against *refoulement*, the return of persons to a country where the feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol and provided it to 1,956 persons during the year. Almost 4 percent of the processed applicants whose asylum applications were rejected received temporary residence permits on the grounds that they would be endangered if returned to their home country; they were expected to leave when conditions in their home country allowed their safe return.

In a May agreement with the UN Interim Mission in Kosovo, the government began a repatriation program for 10 thousand of the estimated 59 thousand technically deportable Kosovar refugees remaining in the country.

The government also approved repatriation of an estimated 16 thousand Afghan refugees. The decision met with criticism from human rights groups who maintained that conditions in Afghanistan were not sufficiently secure to permit refugee return. In September Hamburg officials began deportation proceedings for resident Afghans.

Both the federal and state governments cooperated with the Office of UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The government continued to assert that individuals who attempted to enter the country via a "safe country of transit" (a member state of the European Union or a country adhering to the Geneva Convention on Refugees) were ineligible for asylum and could be turned back at the border or, if they had managed to enter the country, returned to that "safe country of transit."

Individuals whose applications for asylum were rejected had up to two weeks to appeal the decision. Individuals who arrived at an international airport and who were deemed to have come from a "safe country of origin" could be detained at an airport holding facility. In these cases the Federal Office for the Recognition of Foreign Refugees was required to make a decision on an asylum application within 48 hours or allow the person to enter the country. The applicant could appeal a negative decision to an administrative court within 3 days, and the court was required to rule within 14 days or allow the individual to enter the country. Local NGOs continued to criticize these periods as insufficient to allow applicants to prepare for hearings. Although stays in the airport facility were limited to 19 days, applicants whose claims were rejected, but who could not be deported immediately, allegedly were held at the airport for months, a practice which refugee assistance groups and human rights advocates continued to criticize.

In November 2004 authorities expelled a refugee family, including a pregnant mother and her infant child, from the refugee shelter at Frankfurt airport. The parents, a Pakistani Muslim and an Indonesian Buddhist, alleged they could face the death penalty in Pakistan because of their mixed religious relationship. Although

the case was taken to the appeals commission of the Bundestag, the state of Hesse deported the family couple before the commission reached a decision.

Discrimination against and of abuse of refugees and asylum seekers was not uncommon. There were multiple reports of attacks on shelters for asylum seekers by right-wing extremist groups including incidents in the states of Saxony-Anhalt, Brandenburg, and Rhineland-Pfalz (see sections 1.c. and 5).

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

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

Elections and Political Participation.—Free and fair elections for members of the parliament's Federal Assembly or Bundestag took place on September 18. There are no direct elections for the parliament's Federal Council or Bundesrat, which comprises delegations from state governments.

The Federal Constitutional Court is empowered to outlaw political parties that actively work to undermine the liberal democratic order (see section 2.b.).

The chancellor was a woman, and there were 195 women in the 613-seat Bundestag. There were 4 women in the 15-member cabinet; 4 of the 16 Federal Constitutional Court judges were women.

There were 5 members of ethnic minorities in the 613-seat Bundestag but none in the cabinet or on the Federal Constitutional Court.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year.

A federal freedom of information law passed in July (effective January 1, 2006) provides for public access to government information. Four states (Berlin, Brandenburg, Schleswig-Holstein, and North Rhine-Westphalia) also have freedom of information laws, which provide for an appeals process. In these states denial of access to information was usually attributable to concern for the protection of business confidentiality.

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

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

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

The law prohibits the denial of access to housing, health care, or education on the basis of race, gender, disability, language, or social status, and the government generally enforced these provisions in practice. Nonetheless, violence against women and children, trafficking in persons, and harassment of racial minorities and foreigners were problems.

The government had not implemented a 2000 European Union (EU) directive establishing a general framework (antidiscrimination act) for equal treatment in employment and occupation.

Women.—The law prohibits violence against women, including spousal abuse; perpetrators can be temporarily denied access to the household, put under a restraining order, and in severe cases prosecuted for assault or rape and required to pay damages. The government enforced the law; nevertheless, violence against women was believed to be widespread. For example, the state of Brandenburg registered 2,457 cases of domestic violence during 2004. Victim-aid organizations estimated that one in four women is the victim of spousal abuse. The government conducted campaigns in schools and through church groups to draw public attention to the existence of such violence and supported numerous projects to combat the problem. There were 380 state government-supported "women's houses," where victims of violence and their children could seek shelter, counseling, and legal and police protection.

On May 22, the German-Turkish Health Foundation, the Turkish newspaper *Hurriyet* and the Hesse social ministry launched an anti-violence campaign in Frankfurt. A *Hurriyet* editor reported that 50 percent of Muslim women in the country had been victims of domestic violence.

The law criminalizes rape, including spousal rape, and provides penalties up to 10 years in prison. The government effectively enforced the law. In 2004 national police criminal statistics recorded 8,831 cases of rape and serious sexual coercion. The government supported numerous projects in conjunction with the states and

NGOs to deal with violence against women, both to prevent violence and to give victims greater access to medical care and legal recourse.

Forced marriages are illegal and invalid, and the act of coercing another person into a marriage through force or threat of force or other negative consequences is punishable with up to three years' imprisonment. While there are no conclusive statistics regarding the actual number of forced marriages in the country, evidence indicated that the problem was common. Lawyer and author Seyran Ates, among others, estimated that half of the young Turkish women living in the country were forced into marriages arranged by her parents and in-laws, a situation that often led to violence. Forced marriages affected not only young women living in the country for whom the family brings a husband into the country, but young women sent back to their native countries against their will to be married.

Unlike the previous year, there were reports of honor killings. On April 11, the youth chamber of a Stuttgart court sentenced a 19-year-old Turkish man to 9 years' imprisonment for the murder of his sister's boyfriend, whom he reportedly killed to restore the honor of the family.

On June 13, a 22-year-old Turkish woman was shot to death in Wiesbaden-Dotzheim. The victim's older brother confessed to the crime; police stated that he committed the "honor killing" because the woman had a German boyfriend.

In September three Turkish brothers were tried on charges of killing their sister, Hatun Surucu, in February. The brothers allegedly were motivated by their sister's immoderate lifestyle. She was living apart from her husband of an arranged marriage while raising a young child and had begun seeing another man whom the brothers allegedly found objectionable. The trial remained ongoing at year's end.

Prostitution is legal and fairly widespread, although communities have the authority to exclude it from specified areas, such as residential neighborhoods.

Trafficking in women was a problem (see section 5, Trafficking).

Sexual harassment of women was a recognized problem. The law prohibits sexual harassment and requires employers to protect their employees from sexual harassment. Various disciplinary measures against offenders are possible, up to and including dismissal. An employer's failure to take appropriate measures is considered a breach of contract, and the affected employee has the right not to work (while still receiving pay) until the situation was rectified. There were press reports of sexual harassment in the workplace and in public facilities. Unions, churches, government agencies, and NGOs ran a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

The law provides women the same rights as men, including equal pay for equal work. The Federal Ministry for Family, Seniors, Women and Youth primarily maintained oversight of women's rights issues. Women generally were not discriminated against in terms of compensation, although they were underrepresented in well-paid managerial positions and overrepresented in some lower-wage occupations; their average monthly incomes were lower than those of men.

Children.—The government maintained its strong commitment to children's rights and welfare. Public education is provided free of charge through the university level, and education is compulsory through the age of 16; almost all children attended school.

The government funded medical care for children, and boys and girls had equal access.

Child abuse was a problem that received widespread media attention. In 2004 there were 15,255 cases of sexual abuse of children and 199 cases of serious sexual abuse of children for the purpose of producing and publishing pornographic material. There were 4,819 cases of possession or distribution of child pornography reported in 2004, a 60 percent increase from 2003, which police attributed to the filing of more complaints due to better information and increasing popular awareness. The law provides for the protection of children against pornography and sexual abuse. The maximum sentence is one year's imprisonment for possession of child pornography and five years in prison for distribution. The law makes the sexual abuse of children by citizens abroad punishable even if the action is not illegal in the child's own country. The government effectively enforced these laws.

Forced marriage among various immigrant groups gained increasing public attention. This phenomenon affected both young adult women and minor girls (see section 5, Women).

Although there were no reports of abuse of street children, the life of these children often involved violence and abuse. Often these children were fleeing violent and abusive homes. Street children frequently turned to prostitution for income.

Approximately 5 percent of reported trafficking victims were under the age of 18 (see section 5, Trafficking).

The government amply funded programs to combat the sale of children, child prostitution, child pornography, trafficking of children, and child-sex tourism.

Trafficking in Persons.—The law prohibits trafficking in persons, but there were reports that persons were trafficked to and through the country.

The law criminalizes trafficking in persons and provides penalties of up to 10 years' imprisonment. In February legislation went into effect strengthening criminal provisions on human trafficking by extending the definition of trafficking to include trafficking for both sex and labor purposes. Trafficking crimes were prosecuted at the state level.

According to a report covering 2003, the number of sex trafficking investigations was 431, an increase of 20 percent compared with 2002. The number of reported trafficking victims increased by 37 percent, a rise attributable to an increase in the number of investigations.

The countertrafficking office of the Federal Criminal Investigative Service (BKA) cooperated with Europol and Interpol law enforcement authorities. Federal ministries coordinated countertrafficking efforts on the international, national, and state levels. A bilateral countertrafficking working group operated control points near the country's border with the Czech Republic.

The country was both a destination and transit country for trafficked persons. The BKA reported in their annual report on trafficking in persons that the numbers of known and registered victims in 2003 was 1,235, and the percentage of registered victims under age 18 continued to be in the 5 percent range. Of the registered victims, 80 percent came from Eastern Europe and the countries of the former Soviet Union, primarily Russia, Poland, Ukraine, Moldova, Lithuania, Slovakia, Latvia, Bulgaria, and the Czech Republic. Non-European victims came mostly from Africa and Asia. The BKA reported that most trafficking victims were women and girls between the ages of 16 and 25 who were forced to work as prostitutes.

Traffickers used a range of intimidation techniques to ensure the compliance of victims, including threats to "sell" the victim, threats of deportation, misrepresentation of victims' legal rights and status, physical violence, and withholding travel and identification documents.

There were no reports that trafficking victims were prosecuted for immigration or prostitution violations.

Police were required to notify a counseling center of trafficking victims and to inform the victims of their rights and options for seeking assistance. The centers provided shelter, counseling, interpreting services, and legal assistance.

Eight of the 16 states had cooperation agreements between the police, state welfare agencies, and NGOs to strengthen the delivery of welfare services to victims. The federal and state governments worked with NGOs and local women's shelters to identify and assist victims, funding more than 30 NGO counseling centers for victims of trafficking.

The government paid the basic cost of repatriation of trafficking victims under the Reintegration and Emigration Program for Asylum-Seekers in Germany (REAG). The International Organization for Migration administered REAG and facilitated assistance to returning victims.

The government sought to educate potential trafficking victims before they entered the country. Embassies and consulates as well as NGOs distributed brochures that provided information on residency and work permit requirements as well as warnings about trafficking.

Persons with Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions.

The government set guidelines for barrier-free public buildings and for modifications of streets and pedestrian traffic walks to accommodate persons with disabilities. All 16 states incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings complied with the guidelines for a barrier-free environment.

National/Racial/Ethnic Minorities.—Harassment, including beatings, of foreigners and racial minorities, remained a problem throughout the country. Although there are no statistics specifically on incidents directed against these groups, media and official reports indicated that several such incidents occurred each week. For example, in June a gang of 13 young men in Munich harassed and physically assaulted a 20-year-old Iraqi and his pregnant friend in the subway; the perpetrators were arrested. In September three neo-Nazis in Berlin assaulted and injured a Ghanaian; the three men were arrested, fingerprinted, and released. Also in June three

unidentified men set fire to a Turkish store in Hamburg. Shelters for asylum seekers were attacked in several cities.

There were no new developments in the May 2004 case of a 20-year-old foreigner who applied for an apprenticeship as a technician for the city of Kaiserslautern and allegedly received a racist response from the city administration's human resources department.

The BKA defines "politically motivated crimes" (PMCs) as crimes involving motives related to the victims' ideology, nationality, ethnicity, race, skin color, religion, world-view, ancestry, sexual orientation, disability status, appearance, or social status. In 2004 the federal OPC recorded 12,051 right-wing PMCs, including 8,337 propaganda crimes, 2,578 "incitement of racial hatred" crimes, 243 property crimes, 97 criminal threats, and 20 grave desecrations. In 2004 there were 776 violent right-wing extremist PMCs, almost half of which were perpetrated against foreigners and one-third against political opponents. The OPC report listed 168 right-wing extremist organizations and groups.

The government protected and fostered the languages and cultures of national and ethnic minorities native to the country (Sorbs, Danes, Frisians, Roma, and Sinti).

Critics contended that the Sinti/Romani minority was the only officially recognized national minority without unique legal protection, political privileges, or reserved representation in certain public institutions. In July the state of Rheinland-Pfalz signed an agreement with the National Association of German Sinti and Roma to recognize Sinti and Roma as official national minorities entitled to promotion of their culture and language as well as protection from discrimination. Moreover the state government undertook to foster the Romani language and provide additional support for Romani and Sinti children in schools.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination (see section 6.c.).

Other Societal Abuses and Discrimination.—Despite increasing public awareness, media and reports from other sources indicated that societal and job-related discrimination against homosexuals occurred.

Discrimination against persons with HIV/AIDS does exist primarily due to lack of understanding of the disease. The government worked with NGOs, religious groups and business to educate the public both regarding prevention, and facts about HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The Basic Law provides for the right of employees to form and join unions of their choice without excessive requirements or previous authorization, and workers exercised this right. Approximately 28 percent of the workforce was organized into unions. The overwhelming majority of organized workers belong to eight unions largely grouped by industry or service sector and affiliated with the German Trade Union Federation, the country's main trade union confederation.

b. The Right to Organize and Bargain Collectively.—The law permits unions to conduct their activities without interference, and the government generally protected this right in practice. The law protects the right to collective bargaining, which was freely practiced. Collective bargaining agreements covered approximately 74 percent of the labor force. The law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive or essential positions, such as members of the armed forces. Collective bargaining agreements reached for public service workers who did have this right were usually extended by legislation to those who do not, although such extensions did not always include all of the provisions of those agreements. Workers not allowed to strike also have legal recourse through the courts to protect their rights. Workers conducted legal strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children under the age of 15, with a few exceptions: those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. Abusive child labor

is not a serious problem, although violations did occur, mainly in small, often family-owned businesses such as pubs, restaurants, and grocery stores.

Trafficking of children was a problem (see section 5).

The Federal Economics and Labor Ministry effectively enforced the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work.—There was no legislated or administratively determined minimum wage. Collective bargaining agreements set minimum pay rates and were enforceable by law for an estimated 80 to 90 percent of all wage and salary earners; the remaining workers were covered by either individual contracts or company-level contracts. The wages established by these processes provided a decent standard of living for a worker and family.

Federal regulations limit the workweek to a maximum of 48 hours, but collective bargaining agreements may supersede them. Contracts that directly or indirectly affected 80 percent of the working population regulate the number of hours of work per week. The average workweek was 39.9 hours nationwide (OECD data for 2004); rest periods for lunch are accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement.

An extensive set of laws and regulations govern occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace. The Economics and Labor Ministry and its counterparts in the states effectively enforced occupational safety and health standards through a network of government bodies, including the Federal Institute for Work Safety. At the local level professional and trade associations—self-governing public corporations with delegates both from the employers and from the unions—oversee worker safety. The law provides for the right to refuse to perform dangerous or unhealthy work without jeopardy to continued employment.

Foreign workers in the country were protected by law and generally worked in conditions equal to that of citizens; however, such workers faced some wage discrimination. For example, foreign teachers in some schools were paid less than their citizen counterparts. In addition seasonal workers from Eastern Europe who came to the country on temporary work permits often received wages below those of citizens. Workers from other EU countries at times were employed at the same wages they would receive in their home country, even if the corresponding citizen worker would receive a higher wage.

GREECE

Greece is a constitutional republic and multiparty parliamentary democracy, with an estimated population of 11 million. In March 2004 the New Democracy Party won the majority of seats in the unicameral Vouli (Parliament) in free and fair elections, and Constantinos Karamanlis became the prime minister. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights abuses were reported:

- abuse by security forces, particularly of illegal immigrants and Roma
- overcrowding and harsh conditions in some prisons
- detention of undocumented migrants in squalid conditions
- limits on the freedom of association of ethnic minorities
- restrictions on freedom of speech
- restrictions and administrative obstacles faced by members of non-Orthodox religions
- detention and deportation of unaccompanied or separated immigrant minors, including asylum seekers
- domestic violence against women
- trafficking in persons
- discrimination against ethnic minorities and Roma
- substandard living conditions for Roma
- inadequate access to schools for Romani children
- child exploitation in nontraditional labor

RESPECT FOR HUMAN RIGHTS

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

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

At year's end authorities had taken no action in the August 2004 killing of an Albanian immigrant beaten to death by a person whom witnesses identified as a policeman. Likewise, no trial date had been set for two police officers charged for the 2003 killing of a person who failed to stop at a routine automobile checkpoint in Crete.

In March an appeals court suspended the 13-year sentence of a police officer for the 2001 homicide of a Romani man who had not stopped for a routine traffic check. The Romani community protested the suspended sentence, both formally and with demonstrations during which a public bus was destroyed.

The trial of a border policeman charged with felony reckless homicide in the 2003 shooting and killing of an Albanian trying to cross illegally into the country remained pending at year's end. The policeman's original trial, scheduled for February, was cancelled when the court ruled the summons invalid. The Misdemeanor Council reduced the charges to a misdemeanor.

Eight migrants were killed and two others were severely injured during the year in minefields along the border with Turkey.

In December, 15 members of the "17 November" terrorist organization, who were found guilty and sentenced in 2003 for more than 2,500 crimes including homicide, appeared in court to appeal their convictions. At year's end a five-member panel of judges had begun considering the appeals.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other inhuman or degrading treatment or punishment; however, security forces abused a few persons, particularly immigrants and Roma (see section 5).

International organizations and human rights nongovernmental organizations (NGOs) repeatedly alleged that illegal immigrants and refugees were subjected to violence by border guards and coast guard officers when caught entering the country illegally. Violence also occurred as immigration officials tried to prevent illegal immigrants from leaving the country en route to other European Union (EU) countries.

At year's end no results had been released concerning the investigation of a case of two civilians who alleged in August 2004 that police beat them in Pyrgos, Peloponnese, during a routine identity check. Similarly, no results had been announced regarding allegations that 3 armed forces officers abused and beat 10 illegal immigrants on an islet in the Aegean Sea in September 2004.

At year's end no date had been set for the trial of two police officers charged with subjecting a group of Afghan asylum seekers in December 2004 to interrogation techniques that allegedly included torture. There were no developments in either the civil lawsuit against three officers or the police investigation of allegations by two Kalamata high school students that police beat them during a routine identity check in 2003. Likewise, there were no developments in the 2003 cases of two British citizens who alleged that police beat them or of three migrants who alleged police tortured them when they attempted to return to Albania.

In a letter to the Ministry of Public Order (MPO) made public in January, the deputy ombudsman for human rights noted numerous procedural and substantive shortcomings in the investigation concerning the alleged police torture in 2002 of Nigerian citizen Joseph Okeke and the alleged 2002 beating and torture of Yannis Papacostas in a police station near Athens. The deputy ombudsman called the police to re-evaluate its report on Okeke, arguing that the procedure suffered from gross errors concerning the evaluation and appraisal of the available evidence. At year's end an application based on this case was pending with the European Court of Human Rights (ECHR) alleging violation of the article in the European Convention on Human Rights that prohibits torture and inhuman or degrading treatment or punishment.

In December the ECHR ordered the government to pay a fine of \$12 thousand (10 thousand euros) to each of 2 Roma men for inhuman and degrading treatment by police in Mesolonghi in 1998. According to forensics reports, police severely beat the men during interrogation after arresting them for allegedly breaking into a kiosk. The country was found to be in violation of the European Convention on Human Rights for failure to conduct an effective investigation into an incident with possible racist motives, a violation of the procedural provision against racial discrimination.

In December 2004 the ECHR ordered the government to pay a fine of \$18 thousand (15 thousand euros) for failing to carry out an effective investigation of a 1995 shooting incident in which police officers seriously injured an unarmed person. The ECHR criticized authorities for being unable to identify all the officers involved in shooting and injuring the person.

Police were more likely to abuse Roma than other minority groups. Immigrants, including Albanians, also accused police of abuse (see section 5).

Prison and Detention Center Conditions.—Prison conditions remained harsh due to continued overcrowding and outdated facilities. As of December the Ministry of Justice reported that the total prison population was 9,984, while the total capacity of the prison system was 5,584. Pretrial detainees were held with a few convicted prisoners awaiting trials in Korydallos Prison in central Piraeus.

In an August-September visit, the European Committee for the Prevention of Torture examined the treatment of persons detained by law enforcement authorities, especially focusing on detention facilities for illegal immigrants in the eastern Aegean and Thrace. The delegation visited prisons, police detention centers, police stations, holding facilities for illegal immigrants, and psychiatric hospitals. Its findings had not been made public at year's end.

Conditions in detention centers for illegal immigrants remained harsh, particularly for women at detention centers in Athens (see section 2.d.). The deputy ombudsman for human rights noted in his annual report that detention centers for foreigners awaiting deportation and police detention centers were "an insult to human dignity." Amnesty International (AI) reported in October that conditions of detention for aliens "in some cases amounted to cruel, inhuman, and degrading treatment," and that overcrowding remained a serious problem.

In June a citizen who had been arrested for possession of hashish died in handcuffs in the Ptolemais police holding center in the northern part of the country after he set the mattress in his cell on fire.

Disciplinary actions were initiated in late September against two police officers who allegedly disturbed four jailed Muslims during prayer at the police detention center in Aspropyrgos.

Local and international independent human rights observers reported that the government did not consistently permit them to visit police detention centers, detention centers for illegal immigrants, or prisons. International human rights observers reported fewer problems receiving permission for visits than did local human rights observers, and the International Committee of the Red Cross had a regular program for prison visits. There was insufficient access to detention centers for independent organizations wanting to screen for victims of trafficking in persons.

The Office of the UN High Commissioner for Refugees (UNHCR) reported in June that conditions in reception facilities for registered asylum seekers had improved but suggested increasing capacity beyond the current level of less than 1,200, considering there were more than 5 thousand asylum seekers in the year. UNHCR particularly called for increased capacity and improved conditions, especially for unaccompanied children and children separated from their families. By year's end improvements were observed in reception capacity for unaccompanied minors at NGO centers operating with funding from the European Council on Refugees and the government.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention. However, police conducted large-scale sweeps and temporarily detained large numbers of foreigners, often under crowded and squalid conditions, while determining their residence status. Unlike in the past, there were no reports that foreigners were detained indefinitely without judicial review.

Role of the Police and Security Apparatus.—The police are responsible for law enforcement and maintenance of order within the country and are under the authority of the MPO. The coast guard is responsible for law enforcement in territorial waters and is under the authority of the Ministry of Mercantile Marine. The country's law enforcement agencies were generally effective. However, police did not adequately respond to or prevent attacks by self-styled "anti-imperialist" anarchists, who operated with impunity, particularly in central Athens, and who used crude gas canister bombs and Molotov cocktails to attack property, government offices, targets representing "Western" interests," and the police (see sections 1.e. and 3).

Police corruption was a problem. A police anticorruption unit in the MPO's Bureau of Internal Affairs investigated alleged abuses, but human rights and antitrafficking groups said that anticorruption efforts needed to be given higher priority.

The Bureau of Internal Affairs took several disciplinary measures, including dismissal and suspension, against officers involved in corruption, primarily for forging

documents and taking bribes. In 2004 a total of 325 complaints were filed with the bureau. Most charges against police involved violation of duty, false certificates, abuse of power, corruption, violations with arms and explosives, illegal release of persons in police custody, procuring, and violations related to alien registration. In 2004 the bureau filed lawsuits against 75 police officers, 20 civil servants, and 78 civilians.

In February a police precinct commander in Charilaou, Thessaloniki, was arrested for taking monthly bribes from a restaurant owner. The precinct commander was charged with blackmail, fraud, and illegal possession of firearms; his trial was pending at year's end.

The press and NGOs alleged that penalties for corrupt or abusive police were too weak and discouraged citizens from pressing charges against police. A weak record of prosecution of police misbehavior supported these claims.

The MPO conducted regular training, including on corruption and police abuses, to address these problems.

Arrest and Detention.—The law requires judicial warrants for arrests except when they are made during the commission of a crime, and it prohibits arbitrary arrest orders. Authorities generally respected these provisions in practice. Police must bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order their release within three days unless special circumstances justify a two-day extension of this limit. Bail is available for defendants detained or arrested on felony charges, unless the judicial officer determines that such incentives would not adequately assure the defendant's appearance at trial or that the defendant is a flight risk or a danger to the community. The judge may apply additional conditions to the granting of bail, such as ordering the defendant to remain at a particular address or restricting the defendant's travel. Bail may be granted by the examining magistrate, with the consent of the prosecutor.

Defendants have the right to legal counsel. In felony cases the bar association provides lawyers to defendants who prove they cannot afford legal counsel.

Defendants brought to court on the day following the alleged commission of a misdemeanor may be tried immediately under expedited procedures. Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short time period limited defendants' ability to present an adequate defense. Defendants may request a delay to prepare a defense, but the court is not obliged to grant it. Expedited procedures were used in less than 10 percent of applicable cases.

According to a September deputy ombudsman's report, police took citizens to detention centers for arbitrary identity checks, used insulting language and threats of force, and conducted bodily searches in public. The report found that police targeted persons based on their race, color, nationality, or presence in "high-crime" areas (see section 5).

In December the chief prosecutor of the Supreme Court opened investigations into allegations by 28 Pakistanis resident in the country that in July they were abducted, hooded, held for up to 7 days in a secret location, and interrogated by persons who claimed to be police officers. One of the claimants also alleged that he was beaten. The minister of public order reported that up to five thousand foreign national residents were legally questioned in the aftermath of the July London bombings but that no such abuses took place. At year's end the investigation was ongoing.

While members of the Church of Jesus Christ of Latter-day Saints (Mormons) and Jehovah's Witnesses reported having difficulties with harassment and police detention due to antiproselytizing laws, they noted a marked improvement during the year (see section 2.c.).

There were no reports of political detainees.

The law allows pretrial detention for up to 18 months for felonies and 9 months for misdemeanors. Defense lawyers asserted that pretrial detention is excessively long and overused by judges. A panel of judges may release detainees pending trial, with or without bail. Pretrial detainees made up approximately 30 percent of those incarcerated and contributed to overcrowding, according to figures provided by the Ministry of Justice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision in practice. The judiciary was subject to influence and was found by the ECHR to be inefficient. During the year a number of judges were under investigation or had been dismissed on corruption-related charges (see section 3). The judiciary acted leniently toward anarchists found guilty of violent acts, such as giving them suspended prison sentences in lieu of prison time or punitive fines (see section 1.d.).

The judicial system consists of three levels of civil courts (first instance, appeals, and supreme), three levels of criminal courts (first instance, divided into misdemeanor and felony divisions; appeals; and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and juries are used. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if indigent defendants face serious criminal charges. Defendants may confront and question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often resulted in poor interpretation. Foreign defendants who used these interpreters frequently complained that they did not understand the proceedings at their trials. Defendants often were not advised of their rights during arrest in a language that they could understand. Several complained that they were not shown the Hellenic Police Informational Bulletin, which contains prisoners' rights in a variety of languages, and that they were forced to sign blank documents later used for their deportation.

In May the ECHR ordered the government to pay \$18 thousand (15 thousand euros) for nonpecuniary damages to an applicant for the undue length of a criminal proceeding. The court noted that proceedings in a defamation and insult case had lasted nearly four years and nine months at three levels of jurisdiction, and it found that the trial's length was excessive and failed to comply with the reasonable-time requirement of the European Convention on Human Rights. The court also held unanimously that there had also been a violation of the article calling for the presumption of innocence.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits the invasion of privacy and searches without warrants and permits the monitoring of personal communications only under strict judicial controls; however, these provisions were not always respected in practice.

Turcophone and Slavophone activists complained of continued police surveillance. Police conducted regular raids and searches of Romani neighborhoods for alleged criminal suspects, drugs, and weapons. Local authorities threatened to evict Roma from camps and tent dwellings during the year (see section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, legal restrictions on free speech remained in force. The law prohibits exposing to danger of disturbance the friendly relations of the state with foreign states, spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations, and inciting citizens to rivalry and division leading to disturbing the peace or acts of violence. However, these prohibitions were very rarely invoked. In most criminal defamation cases, defendants were released on bail pending appeal without serving time in jail.

At year's end the results had not been made public of an inquiry by the Mercantile Marine Ministry into August 2004 allegations made by two foreign journalists that members of the coast guard arrested and beat them when they attempted to film a restricted security area during the Olympic Games.

There were numerous independent newspapers and magazines. Satirical and opposition newspapers routinely criticized state authorities. Members of minority ethnic, religious, and linguistic groups were generally able to publish materials freely, often in their native languages.

The law provides that the government exercise "immediate control" over radio and television and establishes ownership limits on media frequencies. The Ministry of Press and Mass Media has authority over radio and television licensing, while the National Radio and Television Council (ESR) has an advisory role.

Independent radio and television stations were active and expressed a wide variety of views with little government restriction. State-operated stations tended to emphasize the government's views but also reported objectively on other parties' programs and positions. Turkish-language television programs were widely available via satellite in Thrace.

The law allows for seizure, by order of the public prosecutor, of publications that insult the president, offend Christianity "or any other known religion," contain ob-

scene articles, advocate violent overthrow of the political system, or disclose military and defense information. There were no such seizures during the year.

In February an Internet artist who created a satirical Web site entitled "Dirty Works in Greece," which described corruption in the civil service hiring process, was arrested for Internet fraud, and police confiscated his computer, notes, and other materials. The artist was released on bail after three days.

In April an Athens appeals court overturned the six-month suspended sentence for blasphemy given in January to the Austrian author of a comic book translated and sold in the country and deemed by authorities to be insulting to the Christian faith. In 2003 police had confiscated approximately 50 copies of the comic book from bookstores.

In June an art curator of a public gallery was acquitted of blasphemy; in 2003 he allowed the exhibition of Belgian artwork considered insulting to the Orthodox faith.

In August a regional newspaper in the northern part of the country censored an article on the controversy surrounding the Slavophone dialect, referred to as "Macedonian," that was to be published in a regular column. The European Bureau for Lesser Used Languages and the Greek Helsinki Monitor (GHM) expressed concern over the newspaper's refusal to publish the article.

In December the Supreme Court Council of State overturned an ESR decision in November that ordered the closure of FM radio station Best 92.6 for what it considered "low quality programs."

The government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—The law provides for freedom of association; however, the courts continued to place legal restrictions on the names of associations involving ethnic minorities.

In February the Supreme Court announced its rejection of the appeal of the Turkish Union of Xanthi, upholding the 1983 lower court decision to dissolve the association because it used the adjective "Turkish" in its title. The same court rejected the application for registration of the Rodopi Turkish Women's Cultural Association for the same reason. The supreme court ruling ended a 20-year legal struggle for recognition by the Turkish Union, which had normal legal status from 1927 to 1983. The Turkish Union of Xanthi and the Rodopi Cultural Association applied to the ECHR for redress, but at year's end no decision had been reached.

c. Freedom of Religion.—The law provides for freedom of religion; however, non-Orthodox groups at times faced administrative obstacles or legal restrictions on religious practices.

The law establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion. The Greek Orthodox Church exercised significant political and economic influence. The government financially supported the Greek Orthodox Church and also paid the salaries and some expenses of the two official Muslim religious leaders in Thrace.

The government, by virtue of the Greek Orthodox Church's status as the prevailing religion, recognizes de facto its canon law. Privileges and legal prerogatives granted to the Orthodox Church are not extended routinely to other recognized religions. Orthodox Church officials refused to enter into dialogue with religious groups that they considered harmful to Orthodox worshippers, and they instructed their members to shun followers of these faiths.

Several religious denominations reported difficulties dealing with authorities on a variety of administrative matters, including gaining recognition as a "known religion," renewing visas of religious workers, opening new houses of worship, and moving a house of worship from one location to another.

No formal mechanism exists to gain recognition as a "known religion." Recognition is granted indirectly by applying for and receiving a "house of prayer" permit from the Ministry of Education and Religion. By law the ministry may base its decision to issue permits on the opinion of the local Orthodox bishop. Some religions had problems obtaining these permits.

According to Ministry of Education and Religion officials, applications for additional places of worship are numerous and are approved routinely once a recognized religion receives a permit; however, members of the Church of Scientology have not been able to register or build a house of prayer. A group that follows the ancient polytheistic Hellenic tradition applied twice in the last three years for a house of prayer permit, but at year's end the group had not received an official response to its applications. Jehovah's Witnesses had three cases pending before the Council of

State on the legality of operating of houses of worship in Halkidiki and Serres. In addition non-Orthodox religious groups must provide separate and lengthy applications to authorities on such matters as gaining permission to move an official house of prayer to a larger facility.

In May 2004 a former Greek Orthodox priest who became a priest of the Macedonian Orthodox Church was issued a three-month prison sentence, later suspended, for holding religious services without a house of prayer permit. He appealed the sentence, but at year's end there was no decision.

Although parliament approved a bill in 2000 allowing construction of the first Islamic cultural center and mosque in the Athens area, no construction had started by year's end. As a result, Muslims in Athens continued congregating in dozens of unofficial prayer rooms and were forced to travel to Thrace for official weddings and funerals because there were no official Muslim clerics outside of Thrace.

Muslims are accorded the status of an official minority in Thrace, and the government selects two official Muslim religious leaders, or *muftis*, there. While part of the community accepted the two officially appointed *muftis*, some Muslims, with support from Turkey, "elected" two different *muftis*. In the past the courts repeatedly convicted one "elected" *mufti* for usurping the authority of the official *mufti*; however, his sentences remained suspended and were pending appeal at year's end.

Non-Orthodox citizens claimed that they faced career limits in the military, police, fire-fighting forces, and civil service due to their religion.

The law specifically prohibits proselytizing and stipulates that religious rites must not disturb public order or offend moral principles. Police conducted arbitrary identity checks and arrested and detained Mormons and members of Jehovah's Witnesses, usually after witnessing or receiving complaints that they were engaged in proselytizing. In most cases police held persons for several hours and then released them without filing charges. Some persons reported that police did not allow them to call their lawyers and verbally abused them for their religious beliefs. However, the proselytizers reported a marked improvement during the year due to increased training and instruction given to police officers.

Several foreign religious groups, including Protestant groups and Mormons, continued to report difficulty renewing the visas of their non-EU citizen ministers and religious workers. The immigration law passed in August provides for some categories of religious worker visas.

Religious instruction is mandatory for all Greek Orthodox students in primary and secondary schools but not for non-Orthodox students. Some government-approved religious textbooks made derogatory statements about non-Greek Orthodox faiths. Since schools did not supervise non-Orthodox children while Greek Orthodox children were taking religious instruction, non-Orthodox parents complained that they were effectively forced to have their children attend Greek Orthodox classes. In Thrace the government subsidized public schools for the Muslim minority and two Koranic schools. Turcophone activists criticized the quality of instruction at the minority schools and the state-sponsored Pedagogical Academy that trains teachers.

Societal Abuses and Discrimination.—Members of non-Orthodox faiths reported incidents of societal discrimination, such as local Greek Orthodox bishops warning parishioners not to visit clergy or members of these faiths and requesting that police arrest missionaries for proselytizing. Some non-Orthodox religious communities encountered difficulty in communicating with officials of the Orthodox Church and claimed that the attitude of the Orthodox Church toward their faiths has increased societal intolerance toward their religions. However, with the exception of the growing Muslim population, most members of non-Orthodox faiths considered themselves satisfactorily integrated into society.

The Orthodox Church has issued a list of religious groups—including Mormons, Jehovah's Witnesses, evangelical Protestants, Scientologists, Baha'is, and others—and practices that it considers sacrilegious.

The Jewish community has approximately five thousand members. Anti-Semitism continued to exist, particularly in the extremist press. The mainstream press and public often did not clearly distinguish between criticism of Israel and comments about Jews. In 2004 the European Commission against Racism and Intolerance (ECRI), the Wiesenthal Center, the Anti-Defamation League, and GHM criticized the press for carrying anti-Semitic stories and cartoons on several occasions.

Vandalism of Jewish monuments decreased. At year's end police had not found the perpetrators of the 2004 desecration of Holocaust memorials in Komotini in Thrace or the 2003 desecration of monuments in Ioannina, and the cases were still open. Extreme right-wing groups, including "Golden Dawn," painted anti-Semitic graffiti along with their symbols and organization names at several locations, for example on the Athens-Corinth highway, near the main Athens Court Complex, in the Athens suburb of Kifissia, and on the island of Tinos. Some schoolbooks carried neg-

ative references to Roman Catholics, Jewish persons, members of Jehovah's Witnesses, and others. Bookstores sold and displayed anti-Semitic literature, including *The Protocols of the Elders of Zion*.

Negotiations continued at year's end between the Jewish community of Thessaloniki and the government to find acceptable restitution for the community's cemetery, expropriated after its destruction during the Holocaust. Aristotle University, a public institution, was built on top of the expropriated cemetery.

Jewish community leaders condemned anti-Semitic broadcasts on small private television stations, but authorities did not brought charges against these largely unlicensed operators.

In October the government again participated in the organization of a seminar on teaching the Holocaust. Held under the auspices of the Ministry of Education, it addressed 150 educators and Athens University education majors and aimed to provide guidance on the teaching of the Holocaust in secondary schools. Also in October a follow-up seminar on teaching the Holocaust was held in Thessaloniki for primary school teachers. In November the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research approved the country's full membership in the organization. It had been a liaison (adjunct) member for several years.

The country observed Holocaust Remembrance Day on January 27 in Thessaloniki, the origin of most of the country's Holocaust victims. The Ministry of Education distributed teaching materials to schools on the history of the Holocaust.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for free movement or residence in the country as well as free entry and exit of citizens and noncitizens. The government generally respected these rights in practice.

The law prohibits forced exile, and the government did not employ it.

The law permits the government to remove citizenship from persons who commit acts contrary to the interests of the country for the benefit of a foreign state. While the law applies to citizens regardless of ethnicity, it has been enforced in all but one case only against persons who identified themselves as members of the "Macedonian minority." The government did not reveal the number of such cases, but it was believed to be low, and there were no reports of new cases during the year. Dual citizens who lost their citizenship under this provision sometimes were prevented from entering the country on the passport of their second nationality. Activists charged that several expatriate "Slavo-Macedonians" whose names appeared on a "black list" were barred from entering the country.

The Ministry of Interior reported to parliament in May that 46,638 Muslims from Thrace and the Dodecanese islands lost their Greek citizenship when they left the country between 1955 and 1998. The law that permitted this divestment of citizenship was repealed in 1998, and the "stateless" residents are eligible to recover their citizenship as long as they live in Greece. According to the Ministry of Foreign Affairs (MFA), there were 64 persons in possession of government-issued identification documents characterizing them as "stateless." At year's end the MFA reported that approximately 55 applications were pending for citizenship through naturalization by these residents. A Muslim minority activist reported that dozens of stateless persons submitted applications during the year for revocation of the administrative order that divested them of citizenship, an alternate and less expensive method to have citizenship restored; at year's end decisions on the applications were pending.

Due to serious bureaucratic problems in the legalization process for immigrants, many aliens were in a semilegal status (had expired permits but had filed for renewal or were entitled to renewal, but a renewal stamp had not yet been placed in their passports) and were subject to deportation without legal process following police sweeps. In August a new immigration law was passed that provides for legalization of undocumented migrants who could prove by a visa stamp or possession of a tax roll number that they entered the country before December 31, 2004. Immigrants and human rights organizations complained that out of an estimated population of 450 thousand undocumented immigrants, only a few thousand immigrants had successfully legalized under the new law by the end of the year because many immigrants did not meet the qualification of legal entry into the country or due to stringent application requirements. The government extended the deadline for filing for legalization to February 28, 2006.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. However, the government largely has not implemented a 1999 presidential decree that brought the law into compliance with the standards

of the UNHCR with regard to asylum procedures. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. Although the UNHCR observed an attempt by the government for a more realistic and humanitarian approach to refugees during the year, together with the Greek Council for Refugees, the ombudsman, and the ECRI, it expressed concern that very few applicants were granted asylum. During the first 10 months of the year, the government granted refugee status to 23 of 7,633 applicants and provided humanitarian status to approximately 35 persons who did not qualify as asylees or refugees under the 1951 convention and the 1967 protocol, an overall recognition status of less than 2 percent.

Although the government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers, the UNHCR and others expressed concern over the country's asylum policy and practices, citing its insufficient reception facilities, underdeveloped systems for providing for refugee welfare, insufficient counseling to assist integration of refugees and asylum seekers, and lack of appropriate treatment for unaccompanied minors who were potential asylum seekers. In June the UNHCR issued a position paper on refugee protection with 25 recommendations for the government regarding improvement of reception capacity and living conditions; provision of legal counseling; and protection for asylum-seeking children, women, and victims of human trafficking. In October the ombudsman pointed out inadequacies in laws for detaining and deporting underage foreign nationals, including asylum seekers, and a lack of infrastructure and services for handling juvenile detainees who tried to enter the country illegally or sought asylum.

At year's end 2 policemen were awaiting trial for allegedly subjecting a group of 40 to 60 Afghan asylum seekers to interrogation techniques that included torture in December 2004.

Conditions for illegal immigrants and asylum seekers detained by authorities were sometimes unsatisfactory. In September the local Red Cross described conditions in the facility on Samos as harsh, due to overcrowding. In October both AI and GHM cited poor conditions at the Chios facility, where detainees lived in metal containers. Human rights groups reported limited provisions and medical care as well as lack of hot water at some facilities. Improvement was noted in some parts of the Evros region, but old warehouses continued to be used to house illegal immigrants.

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

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

Elections and Political Participation.—In the most recent elections, held in March 2004 and considered free and fair, the New Democracy Party won the majority of seats in parliament. Opposition parties functioned freely and had broad access to the media.

Romani representatives reported that local authorities sometimes deprived Roma of the right to vote by refusing to register them. Many Roma had difficulty meeting municipal residency requirements to register to vote. There were a few complaints that the government harassed the Rainbow Party, a small political party that included Slavophone activists, prior to the 2004 elections.

Voting is mandatory for citizens over age 18, according to the law; however, there are many conditions under which citizens may be exempted, and the government did not apply a penalty for not voting.

There were 38 women in the 300-seat parliament and 1 woman in the 19-member cabinet. A quota system requires 30 percent of all local government candidates to be women. At the 3 high courts, there were 14 women out of 61 council of state justices, 28 women out of 59 supreme administrative court justices, and 3 women out of 62 supreme court justices.

There was 1 member of the Muslim minority in the 300-seat parliament. There were no minority members in the cabinet.

A government-appointed regional administrator of Eastern Macedonia and Thrace has statutory responsibility for oversight of rights provided to the Muslim minority in Thrace, but the MFA retains an important advisory role.

Government Corruption and Transparency.—Corruption was a problem. International NGOs and human rights and antitrafficking groups stated that anticorruption efforts needed to be a higher government priority, and opinion polls suggested widespread public perception of corruption in the executive and legislative branches. Mutual accusations of corruption between political parties were a daily staple of political life.

At year's end at least 13 justices had been dismissed, 9 were temporarily suspended from duty, 2 were detained and being prosecuted for money laundering and receiving bribes, 17 were indicted, and disciplinary action had been initiated against 40 for charges related to corruption. In October the deputy minister of the National Economy and Finance Ministry resigned amid corruption allegations.

The constitution establishes the right to collect, receive, and disseminate information and specifically provides the right of access to government-held information. A freedom of information law provides that any interested party, upon written application, may receive access to administrative documents unless the document concerns the private or family life of a third party or there is violation of confidentiality stipulated by special provisions. The administrative authority may refuse to provide the requested document if it refers to the discussions of the Cabinet of Ministers or if providing the document may substantially obstruct the investigation of judicial, police, or military authorities concerning the commission of a crime or an administrative violation. Information is free.

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

A wide variety of domestic and international human rights groups generally operated without restriction in the country, investigating and publishing their findings on human rights cases. Cooperation with domestic groups varied; some received government funding, while others received no official or unofficial cooperation. In April government officials accused some NGOs of inflating estimates of human trafficking victims in the country in an attempt to "blackmail the government for higher financing by the MFA." The government provided no official or unofficial estimate of numbers of trafficking victims in the country. The government usually cooperated with international human rights groups and made an effort to be responsive to their views.

The UN Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography, after a November 8-14 visit, called on the government to foster a more efficient and cooperative relationship with NGOs "to make children a recognized priority for the country beyond political, institutional, and ideological disputes"; appoint a focal point on children's issues; improve institutional capacity for protecting unaccompanied minors, street children, and victims of trafficking; and complete the bilateral child repatriation agreement with Albania. He recommended that the state take specific measures to improve the living conditions of Roma and give Roma children alternatives to street work and prostitution as survival strategies. He also recommended the creation of an advisory board of civil society and public authorities to coordinate children's policies as well as the creation of a joint Greek-Albanian Commission to investigate the "disappearances" from a children's institution from 1998 to 2003 (see section 5). He called NGOs an "indispensable asset" in implementing the measures.

On November 29, the government, the International Organization for Migration (IOM), and 12 NGOs signed a memorandum of cooperation on combating trafficking in persons and providing aid to victims, scheduled to be implemented in 2006.

The law provides for an independent ombudsman, whose office provided an effective means for citizens to address human rights and religious freedom problems. The widely recognized office was granted adequate resources to perform its functions: mediating between private individuals and public administration and defending and promoting children's rights. There were five deputy ombudsmen who dealt respectively with human rights, children's rights, citizen-state relations, health and social welfare, and quality of life. The Department of Human Rights received 1,860 complaints in 2004, 681 of which were pending in January. Problems included minority education in Thrace, "stateless" persons (see section 2.d.), and complaints regarding residence and work provisions for immigrants and asylum seekers.

The government-funded National Human Rights Committee is an autonomous human rights body that operates independently of government or party control or influence. The committee is the government's advisory organ on protection of human rights and had adequate resources. It cooperated effectively with the government to promote legislation protecting and enhancing human rights. During the year it produced reports and recommendations on human rights problems, including gender equality and affirmative action and refugee matters. The committee opined in February that the law incorporating EU decisions about the European arrest warrant into domestic legislation contravened constitutional provisions about justice, protection of privacy. There was no government response to the recommendations of the committee.

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

The constitution provides that “all persons living within the Greek territory shall enjoy full protection of their life, honor, and liberty irrespective of nationality, race, or language and of religious or political beliefs.” The constitution also provides that all citizens are equal before the law and that men and women have equal rights and equal obligations; however, government respect for these rights was inconsistent in practice. Violence against women and children, trafficking in persons, and discrimination against ethnic minorities (particularly Roma) and homosexuals were problems.

Women.—Domestic violence, including spousal abuse, continued to be a problem. The law does not specifically prohibit domestic violence; however, it can be prosecuted under the general assault statute. The General Secretariat for the Equality of the Sexes (GSES), an independent government agency, estimated that only 6 to 10 percent of victims contacted the police, and only a small fraction of those cases reached trial. The GSES claimed that police tended to discourage women from pursuing domestic violence charges, instead encouraging them to undertake reconciliation efforts, and that courts were lenient when dealing with domestic violence cases. The GSES, in cooperation with the MPO, continued courses to train police on ways to deal with domestic violence victims.

The GSES provided counseling and assistance to domestic violence victims. Two GSES shelters for battered women and their children, in Athens and Piraeus, offered services, including legal and psychological help. The GSES operated a 24-hour emergency telephone hot line for abused women. A unit of the Ministry of Health and Welfare also operated a hot line that provided referrals and psychological counseling. There were additional shelters operated by the municipality of Athens, the Orthodox Church, and various NGOs for domestic violence victims.

Nonconsensual sex in any setting is a crime; however, there is no specific spousal rape law. Conviction rates for rape were low for first-time offenders, but sentences were harsh for repeat offenders. There have been no cases of spousal rape before the courts in recent years. According to the MPO, 177 rapes were reported, down from 191 in 2004, as well as 71 attempted rapes, up from 64 in 2004. Researchers estimated that 6 percent of rapes were reported to police, 1 percent came to trial, and approximately 1 in 450 offenders was incarcerated for more than 5 years. Medical, psychological, social, and legal support from the government and NGOs for victims of maltreatment was usually also available to rape victims.

Prostitution is legal at the age of 18. Prostitutes must register at the local prefecture and carry a medical card that is updated every two weeks. It was estimated that fewer than one thousand women were legally employed as prostitutes. Approximately 20 thousand women, most of foreign origin, were engaged in illegal prostitution. According to academics, many illegal prostitutes may have been trafficking victims (see section 5, Trafficking). While there were reports that prostitutes were abused and subjected to violence and harassment, there were no reports that prostitutes were specifically targeted for abuse.

The law prohibits sexual harassment, but penalties are lenient. At year’s end the government had not implemented an EU directive on sexual harassment that provides guidelines for sanctions, legal action, and compensation for victims. Labor unions reported that lawsuits for sexual harassment were very rare and that only four women had filed such charges in the past six years. In all four cases, the courts reportedly imposed very lenient civil sentences. The state-operated Research Center for Gender Equality (KETHI) reported that the vast majority of women who experienced sexual harassment in the workplace quit their jobs and did not file charges. KETHI estimated that 30 to 50 percent of working women and 10 percent of working men have experienced sexual harassment at their work place.

The law provides for equal pay for equal work; however, according to official 2004 statistics, women’s pay amounted to 75.8 percent of men’s pay. Although relatively few occupied senior positions, women continued to enter traditionally male-dominated professions such as law and medicine in larger numbers. Women were underrepresented in labor union leadership. A 2004 central bank report noted that unemployment was much higher among women than men and that women’s employment in part-time jobs was 8.1 percent while men’s was 2.3 percent.

The GSES operated regional employment offices for women in Thessaloniki and Patras that provided vocational training for unemployed women, programs to reinforce entrepreneurship, subsidies to establish businesses, and information and counseling to unemployed women. It also operated childcare facilities to enable unemployed women to attend training courses and look for jobs.

In February KETHI organized and cosponsored an international conference to raise public awareness of the value of women's participation in politics, the economy, and society in general.

Children.—The government was strongly committed to children's rights and welfare.

The law provides for free and compulsory education for a minimum of nine years. According to the 2001 census, 99.4 percent of school-age children attended school, and most children completed secondary education. However, noncompliance with the compulsory education requirement was a significant problem in the Romani community. Research conducted by the Aghlaia Kyriakou state hospital showed that 63 percent of Romani children did not attend school. There were reports of non-Romani parents withdrawing their children from schools attended by Romani children, and of non-Romani parents attempting to prevent Romani children from studying at the same schools that their children attended. International organizations and NGOs expressed concern over a reported Ministry of Education order issued in May to school directors to not grant year-end certificates to students who were illegal residents.

Boys and girls had equal access to medical care.

Violence against children occurred, particularly against street children. The law prohibits the mistreatment of children and sets penalties for violators, and the government generally enforced these provisions effectively. According to the UN Children's Fund (UNICEF) and local NGOs, the majority of street children (often indigenous Roma or Albanian Roma) were exploited by family members who forced them to work in the streets, usually begging or selling small items.

Child marriage was not common in mainstream society. However, human rights activists, the deputy ombudsman for children's rights, and Romani community representatives reported that underage marriage was a common occurrence among the itinerant half of the estimated 100 thousand to 350 thousand members of the Roma population. Additionally, there were limited numbers of marriages of persons under 18 among the Muslim minority in Thrace and Athens. The state-appointed *muftis*, who may apply Shari'a in family matters, noted that they do not allow marriage of children under age 15. In November the official *mufti* of Komotini reported issuing instruction to imams in Thrace not to conduct underage marriages. In November he refused permission to a 12-year-old girl to marry a 14-year-old boy. The government has youth centers, parent counseling, and programs that address poverty and lack of education, factors which were believed to contribute to child marriage.

Welfare laws provide for preventive and treatment programs for abused and neglected children and seek to ensure the availability of alternative family care or institutional placement. However, children's rights advocacy groups claimed that government residential care centers provided inadequate and low quality protection of children at high risk of abuse due to a lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of the care centers.

In 2004 the UN Committee Against Torture expressed concern that inadequate measures had been taken to protect 502 Albanian children who remained unaccounted for after being picked up by the security police and kept in state custody at the Agia Varvara institution between 1998 and 2003. The prosecutor accepted a criminal complaint submitted by the GHM and an appeal by the UN Committee Against Torture, and in December 2004 it pressed felony charges against members of the administration of the institution relating to the case; however, no action was reported on the case during the year. The UN Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography who visited in November noted a "deficiency in the design of the educational and social methodology" of the Agia Varvara institution.

There were reports that trafficking of children, mainly for forced labor and sexual exploitation, was a problem (see section 5, Trafficking, and section 6.d.). In February and October police dismantled networks dealing in child pornography through the Internet. Six citizens, identified to be members of international networks, were arrested and charged under child pornography statutes. The newly established Internet Crime Police Division arrested 9 persons and filed lawsuits against 19 others for dealing in Internet child pornography during the coordinated EU operation "Purity" in April. The division, which prioritized and aggressively pursued child pornography cases, reported a 600 percent annual increase of crime through the Internet.

In June the government, the UNHCR, and the deputy ombudsman for children's rights announced guidelines for the management of separated children seeking asylum, based on internally agreed upon principles of separated child protection. Among the 11 detailed guidelines is one specifying the appointment of a "special

temporary guardian” as soon as a separated child is identified and if that child is applying for asylum. However, at year’s end there remained problems with the implementation of the guidelines, and the UNHCR, Greek Council for Refugees, and deputy ombudsman for children’s rights called on the government to improve protection for separated migrant children, notably potential asylum seekers and victims of trafficking, and appoint legal guardians for them.

Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was both a transit and destination country for significant numbers of women, children, and smaller numbers of men trafficked for the purposes of sexual exploitation and forced labor. There were allegations that some police officers were involved in trafficking rings or accepted bribes from traffickers.

The law considers trafficking in persons a criminal offense and provides for imprisonment of up to 10 years and fines of approximately \$12 thousand to \$60 thousand (10 thousand to 50 thousand euros) for convicted traffickers. Penalties are harsher for traffickers of children.

During the first 6 months of the year, police reported that they charged 162 persons with crimes under the section of law that includes trafficking and located 79 trafficking victims, although there were estimated to be many more such victims during the period. In January a trafficker was convicted in Kavala to more than 12 years’ imprisonment and fined \$63,150 (52,625 euros); at year’s end he had been released from prison on bail.

There is an interministerial committee to coordinate antitrafficking efforts. During the year the government participated in international investigations in cooperation with regional authorities, including the Southeast European Cooperative Initiative.

Major countries of origin for trafficking victims included Nigeria, Ukraine, Russia, Bulgaria, Albania, Moldova, Romania, and Belarus. Women from many other countries were trafficked to the country and in some cases were reportedly trafficked on to Italy and other EU countries as well as to the Middle East.

According to an academic observer, trafficking in women and children for sexual exploitation in the country decreased from approximately 20 thousand victims in 2003 to approximately 10 thousand during the year. Unofficial NGO estimates placed approximately 13 thousand to 14 thousand trafficked persons in the country at any given time.

Trafficking of children was a problem. Most child trafficking victims were Albanian Romani children trafficked for labor exploitation or teenage girls trafficked for commercial sexual exploitation. Albanian children made up the majority of children trafficked for forced labor, begging, and stealing. NGOs reported that the practice of “renting” children had dramatically decreased as it became easier for Albanian parents to emigrate to the country. An NGO working on child-trafficking problems reported that some legalized and illegal Albanian immigrants residing in the country exploited their children.

Problems persisted with police detaining minors trafficked into the country as criminals or repatriating them without ensuring proper reception by their home country authorities.

Women and children arrived as “tourists” or illegal immigrants and were lured into prostitution by club owners who threatened them with deportation. There were reports that traffickers kidnapped victims, including minors, from their homes abroad and smuggled them into the country, where they were sold to local procurers. Traffickers less frequently confined victims to apartments, hotels, and clubs against their will, failed to register them with authorities, and forced them to surrender their passports. Some rescued victims reported being given small stipends, mobile phones, and limited freedoms but nevertheless were coerced, threatened, and abused by their traffickers.

Many antitrafficking activists alleged that some police officers were involved in trafficking rings or accepted bribes from traffickers, including organized crime networks. In December 2004 three police officers were given suspended sentences for their part in a prostitution ring involving underage girls. The MPO’s Bureau of Internal Affairs investigated charges of police involvement in trafficking cases.

The lack of an effective screening and referral mechanism meant that probable victims of trafficking were deported without having been identified. Some trafficking victims were prosecuted for immigration violations, sometimes alongside their traffickers. To remedy the situation, during the year parliament passed an immigration law that provided a “reflection period” for trafficking victims facing deportation. A few trafficking victims and NGOs that supported them stated that inadequate police protection for victims who were witnesses in trials meant that those victims lived in constant fear of their traffickers.

During the year the government issued special residence/work permits to trafficking victims; however, anecdotal reports indicated that trafficking victims continued to be deported. The government reported that 22 residence permits had been issued to trafficking victims by October.

A number of domestic NGOs also worked on trafficking problems, but victim protection measures and referral mechanisms remained weak. The government supported a 24-hour hot line for trafficking victims, operated by an NGO.

There were NGO-operated shelters that assisted trafficking victims in Athens, Thessaloniki, and Ioannina, and in October, 2 additional shelters in Athens were opened: a 50-bed shelter funded by the government and operated by the NGO of the Orthodox Church and a 22-bed shelter in premises offered by the Ministry of Health. Several government-operated shelters opened in 2004 but were forced to close temporarily due to budget constraints.

NGOs distributed antitrafficking brochures with funds from the MFA. The MPO published a multilingual "know-your-rights" pamphlet designed to inform persons identified by police as possible trafficking victims of resources at their disposal. The government supported prevention activities in source countries through grants from its MFA.

In December the deputy foreign minister joined the Transnational Action against Child Trafficking project in Albania, committing \$600 thousand to the program over 3 years. The program's aim was to raise awareness to prevent child trafficking, provide social and educational assistance to at-risk children and families, assist in voluntary returns, and reintegrate children trafficked to Greece.

Persons with Disabilities.—The law provides that persons with disabilities are entitled to benefit from measures ensuring their self-sufficiency, professional integration, and participation in the social, economic, and political life of the country. There was no systemic discrimination against persons with disabilities in employment, education, access to health care, or the provision of other government services. The law mandates access to buildings for persons with disabilities; however, authorities enforced this law poorly. Only 5 percent of public buildings were fully accessible to persons with disabilities; most buildings with special ramps did not have special elevators and lavatories. The deputy ombudsman for social welfare handled complaints related to persons with special needs, especially related to employment, social security, and transportation.

The Ministry of Welfare estimated that there were 180 thousand to 200 thousand children with special education needs, out of whom only 18,585 were attending school in 2004 due to either lack of special schools in their area or deficient accessibility.

In July the deputy ombudsman reported that nearly 60 percent of persons with disabilities had been barred from the benefits of affirmative action employment to which they were entitled because they were misinformed or inadequately informed about the supporting documents they should provide and because of unclear interpretations of the law itself. The deputy ombudsman stated that unemployment was the greatest social problem for persons with disabilities and recommended that the government prepare new legislation or improve existing laws.

National/Racial/Ethnic Minorities.—Albanian immigrants, who made up approximately 5 percent of the population, faced widespread societal discrimination, although Albanian community representatives said that it was slowly decreasing. Immigrants accused police of physical, verbal, and other mistreatment. They also reported the confiscation and destruction of personal documents, particularly during police sweeps to apprehend illegal immigrants. The media blamed Albanians and immigrants for a reported rise in crime in recent years. AI, GHM, and the deputy ombudsman for human rights alleged that complaints of police ill-treatment of Albanians were rejected as unfounded, although the authenticity of the complaints was supported by documents such as certificates from state hospitals concerning recent injuries and issued shortly after the complainants' release from police stations. Albanian community leaders reported that it was difficult to be granted citizenship, even after all objective citizenship requirements had been met.

A September deputy ombudsman's report on police abuse found that police took citizens to detention centers for arbitrary identity checks, used insulting language and threats of force, conducted bodily searches in public, and did not inform citizens on the progress of internal investigations unless cases were made public through the press. The report found that the police conducted arbitrary identity checks on the basis of stereotypes, targeting persons based on their race, color, nationality, or who happened to be in "high-crime" areas (see section 1.d.).

In contrast with 2004, there was no public debate or mention of "foreign" students carrying the country's flag at National Day parades.

The trial of a person charged with the September 2004 killing of an Albanian immigrant following a soccer game, originally set for November, was postponed. At year's end no new trial date had been set.

A number of citizens identified themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or "Macedonians" or "Slavomacedonians." While some members of these groups sought to be identified as "minorities," or "linguistic minorities," others did not consider that these identifications made them members of a "minority." The government formally recognized only the "Muslim minority" and did not officially acknowledge the existence of any indigenous ethnic groups, principally Slavophones, under the term "minority." The previous government, however, affirmed an individual right of self-identification. Some individuals who defined themselves as members of a "minority" found it difficult to express their identity freely and maintain their culture. Use of the terms *Tourkos* and *Tourkikos* ("Turk" and "Turkish") is prohibited in titles of organizations, although individuals legally may call themselves *Tourkos* (see section 2.b.). To most Greeks the words *Tourkos* and *Tourkikos* connote Turkish identity or loyalties, and many objected to their use by Greek citizens of Turkish origin.

The government and public opinion considered that minorities were defined exclusively in the Treaty of Lausanne and reacted negatively to any definition of "minorities" based on the mathematical standard of a group being referred to as a "minority" because it does not form a "majority" or a plurality of the total population.

The government did not recognize the Slavic dialect spoken by persons in the northwestern area of the country as "Macedonian," a language distinct from Bulgarian. Most speakers of the dialect referred to themselves as "natives." A small number of Slavic speakers insisted on the use of the term "Macedonian," a designation which generated strong opposition from the ethnic Greek population. These activists claimed that the government pursued a policy designed to discourage use of their language.

On October 20, the ECHR ordered the government to pay \$42,294 (35,245 euros) to the Rainbow Party for violations of 2 ECHR articles: the right to a fair hearing and the right to freedom of assembly and association. The ruling faulted police for failing to take measures to prevent, or at least contain, violence during a 1995 demonstration instigated by the town council and local priests, during which Rainbow Party members were assaulted after the group hung a sign written in both Greek and the "Slavomacedonian dialect" outside party headquarters. The ECHR also held that the seven years and one month that authorities took to investigate the case was an excessive and unreasonable amount of time.

Roma continued to face widespread governmental and societal discrimination. In April 2004 the European Roma Rights Center (ERRC) issued a report that claimed Roma were subject to systematic police abuse; mistreatment while in police custody; regular raids and searches of their neighborhoods for criminal suspects, drugs, and weapons; and educational discrimination (see section 1.c.). A 2004 ECRI report noted with concern that the situation of Roma remained serious and that Roma continued to face discrimination and difficulty in the areas of housing, employment, education, and access to public services.

In June the European Committee of Social Rights held that government policies regarding housing and accommodation of Roma infringed the European Social Charter, due to insufficient number of dwellings to meet the needs of settled Roma, insufficient number of stopping places for Roma who follow an itinerant lifestyle, and systemic eviction of Roma from sites or dwellings. The committee also found that the government had failed to take sufficient measures to improve the living conditions of Roma and had not taken measures to constrain or sanction municipalities that were not diligent in selecting appropriate sites or were reluctant to provide the appropriate infrastructure for itinerant Roma. The International Helsinki Federation found in June that approximately half of the Roma lived segregated from non-Roma in substandard housing conditions.

In October AI published a report criticizing the government for its treatment of Roma, pointing to racial discrimination, a pattern of targeting Albanian Roma homes for demolition, and failure to carry out investigations in attacks against the Roma of Riganokampos, among other criticisms.

The law prohibits the encampment of "wandering nomads" without a permit and forces Roma to establish settlements outside inhabited areas and far from permanent housing. There were approximately 70 Romani camps in the country. Local and international NGOs charged that the enforced separation contravened the country's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination.

There were frequent police raids on Romani settlements and harsh police treatment of Roma. Romani families who had lived for decades in settlements near

Olympic venues were evicted and left to find alternate shelter. Local municipalities reportedly did not fulfill their commitment to provide replacement housing with subsidized rent for the families. In 2004 AI and the UN Committee Against Torture expressed concern at instances of ill-treatment of Roma by public officials in situations of forced evictions or relocation.

The UN special rapporteur's statement after his November visit called the housing and sanitation conditions of the Roma settlement he visited unacceptable, highlighting that "access to health and education is limited or lacking and social programs are not providing assistance to the community." He recommended that the state take specific measures to develop and improve living conditions in Romani communities to give Romani children alternatives to street work or prostitution as survival strategies for them and their families.

Local authorities continued to harass and threaten to evict Roma from their camps or other dwellings. In February a Romani house was demolished in Agia Paraskevi, Athens, and two other families were served with eviction orders. The community had been promised relocation to the neighboring municipality of Spata in 2002, but due to resistance of the Spata authorities and the failure to provide housing there, the Romani families continued living in Agia Paraskevi in extremely substandard conditions.

In June eight local and international NGOs, including the ERRC, formally appealed to the government after Romani tent-dwellers in the Riganokampos area outside Patras were threatened with eviction. The ERRC and GHM criticized the demolition in June of 11 makeshift homes of Romani families in Riganokampos and the failure of Greek authorities to investigate the alleged arson attacks in May against the community.

Nine local and international NGOs, including the ERRC, appealed to the mayor of Athens in July over the announced evictions without resettlement provisions of approximately 70 Albanian Romani families from squalid conditions in communities around Votanikos, Athens, to make way for a new soccer stadium. At year's end the evictions were still planned, but no action had been taken.

Roma frequently faced societal discrimination in employment and in housing, particularly when attempting to rent accommodations. The illiteracy rate among Roma was estimated at 80 percent. Poverty, illiteracy, and societal prejudice were most severe among migrant Roma or those who lived in quasi-permanent settlements. Most Romani camps had no running water, electricity, garbage disposal, or sewage treatment. The approximately 400 Romani families in Tyrnavos, Thessaly, lived in tents because authorities refused to include the area in city planning. The municipality of Rachoula in Larissa took action to delay the permanent settlement of Roma in the region on property owned by Roma.

Romani representatives reported that some local authorities have refused to register Roma as residents or that the Roma were unable to satisfy the requirements to be registered. Until registered with a municipality, a citizen cannot vote or exercise other civil rights, such as contribute to social security or obtain an official marriage, commercial, or driver's license. It was estimated that 90 percent of Roma were not insured by the public social security system because they were unable to make the required contributions. Indigent Roma were entitled to free health care provided all citizens; however, their access at times was hindered by the distance between their encampments and public health facilities.

The government considered the Roma to be a "socially excluded" or "sensitive" group, not a "minority." As a result, government policy was to encourage the integration of Roma. The Ministry of Education has instructed school principals to promote integration.

The Ministry of Interior headed an interministerial committee that coordinated projects for the 85 thousand to 120 thousand Roma the government estimated were in the country (unofficial estimates ranged from 250 thousand to 350 thousand). By September 2004 only 30 cities had responded to the Ministry of Interior's 2003 invitation to 75 cities with Romani populations to identify areas in which it could build housing for Roma. Among the program's provisions were very low interest housing loans for Roma, which have had varying success rates in different areas of the country.

The Ministry of Health and Welfare and the MFA continued projects to address the chronic problems of the Romani community, including training courses for civil servants, police, and teachers to increase their sensitivity to Romani problems; the development of teaching materials for Romani children; the establishment of youth centers in areas close to Romani communities; and the deployment of mobile health units and community social workers to address the needs of itinerant Roma. However, Roma community representatives reported that these programs either did not always reach their communities or were of limited effectiveness.

Other Societal Abuses and Discrimination.—The NGO Greek Homosexual Community (EOK) alleged that police often abused and harassed homosexuals and transvestites and subjected them to arbitrary identity checks and bodily searches in public places.

In December 2004 the broadcasting regulator ESR fined a radio station over insulting language used on a radio show presented by a lesbian, and the station subsequently cancelled the show. The Gay and Lesbian Community of Greece and EOK condemned the ESR ruling as homophobic and lodged complaints with the government over what it described as a discriminatory decision. The government took no action regarding the complaints.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, with the exception of members of the military, have the right to form and join unions of their choice, and workers exercised this right. Approximately 26 percent of non-agricultural salaried employees were union members. Unions received most of their funding from the Workers' Hearth, a Ministry of Labor organization, which distributes mandatory contributions from employees and employers. Workers, employers, and the state were represented in equal numbers on the board of directors of the Workers' Hearth. The law prohibits antiunion discrimination by employers, and there were no complaints of such discrimination during the year.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law generally provides for the right to bargain collectively in the private sector and in public corporations, and unions exercised this right freely. All workers are covered by collective bargaining agreements regardless of whether they are members of unions. The law provides for the right to strike, and workers in the private sector and in public corporations exercised this right in practice. Civil servants have the right to organize, to bargain collectively with the Ministry of Public Administration, and to strike. Police have the right to organize and demonstrate but not to strike.

There are some legal restrictions on strikes, including a mandatory notice period of 4 days for public utilities and 24 hours for the private sector. The law mandates a skeleton staff during strikes affecting public services. Courts may declare a strike illegal; however, such decisions were seldom enforced. Unions complained that this judicial power deterred some of their members from participating in strikes. Courts declared some strikes illegal during the year for reasons such as failure of the union to give adequate advance notice of the strike or a union making new demands during the course of the strike, but no workers were prosecuted for striking.

There are no special laws or exemptions from regular labor laws in the country's three free trade zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forced or compulsory labor; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively implemented laws and policies to protect children from exploitation in the workplace. However, the government did not adequately protect children who were exploited in nontraditional environments, such as begging on the street.

The minimum age for employment in the industrial sector is 15 years, with higher limits for some activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These limits were enforced by occasional spot checks and were generally observed. However, families engaged in agriculture, food service, and merchandising often had younger family members assisting them at least part time.

Child labor was a problem, although international and local observers agreed that the number of working children had decreased in recent years. A number of children begged or tried to persuade persons to buy small items, such as tissues, in the streets. The government and NGOs reported that the majority of beggars were either indigenous or Albanian Roma.

There were reports that children from Albania were trafficked and forced to beg; however, antitrafficking NGOs reported a decrease in this abuse as more Albanian parents entered the country themselves with their children (see section 5). Some parents forced their children to beg for money or food.

The government provided funding to NGOs such as the Association for the Social Support of Youth (ARSIS), which worked to prevent child trafficking and child exploitation and did street outreach to address child labor on the streets. ARSIS had close cooperation with NGOs in Albania and during the year opened a satellite office in Albania.

The government supported prevention activities in source countries through grants from its MFA.

e. Acceptable Conditions of Work.—The Greek General Confederation of Labor (GSEE) and the Employers' Association determine a national minimum wage through collective bargaining. The Ministry of Labor routinely ratified this minimum wage, which has the force of law and applies to all workers. The minimum wage of approximately \$35 (29 euros) daily and \$779 (649 euros) monthly provided a decent standard of living for a worker and family.

The maximum legal workweek is 40 hours in the private sector and 37.5 hours in the public sector. The law provides for at least 1 24-hour rest period per week, mandates paid vacation of 1 month per year, and sets limits on overtime.

The law provides for minimum standards of occupational health and safety. The GSEE characterized health and safety laws as satisfactory but stated that enforcement by the labor inspectorate was inadequate. Workers do not have the legal right to remove themselves from situations that they believe endanger their health; however, they have the right to lodge a confidential complaint with the labor inspectorate. Inspectors have the right to close down machinery or a process for up to five days if they see safety or health hazards that they believe represent an imminent danger to the workers.

The law protects foreign workers; however, their wages were lower and they worked longer hours than citizens. Officially, wages should be the same for local and foreign workers, but in practice there were some reports of undocumented foreign workers being exploited by employers, receiving low wages and no social security contributions. Many employers did not make social security contributions for illegal foreign workers, making their legalization impossible.

HUNGARY

Hungary, with a population of approximately 10 million, is a parliamentary democracy with a legislative assembly. Prime Minister Ferenc Gyurcsany led a coalition government formed by the Hungarian Socialist Party and the Alliance of Free Democrats after the multiparty elections in 2002, which were considered free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- excessive use of force by police against suspects, particularly Roma
- government interference in editorial and personnel decisions of state-owned media
- anti-Semitic incidents
- violence against women and children
- sexual harassment in the workplace
- trafficking in persons
- societal discrimination against Roma

RESPECT FOR HUMAN RIGHTS

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

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

In July 2004 the government charged with manslaughter two police officers who were involved in the June 2004 death of a Bulgarian national.

Family members of a Romani man who died while being arrested by police in July 2004 filed a motion to have criminal charges brought against the officers. In January the office of the minority affairs ombudsman determined that the police investigation into the matter, which found no misconduct, had been carried out satisfactorily.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police used excessive force, beat, and harassed suspects, particularly Roma. The number of police abuse reports rose slightly, although observers attributed this increase to greater public willingness to report abuse. In the first half of the year 34 police officers were charged with assault and

6 others were charged with “forced interrogations.” NGOs estimated that approximately half of the police abuse cases involved Romani victims.

For example, in June police officers in Tolna County severely beat a Romani man after taking him into custody for making threats. Two days later the police went to his brother’s home, beat his brother, causing several broken ribs, and threatened his brother’s family. The government initiated an investigation into the five police officers involved.

In August a Romani man and his two non-Romani friends reported that a local sheriff of Szany and two of the sheriff’s relatives beat them after a complaint that the three youths were making excessive noise. Reportedly, the parents of the Romani boy also suffered physical abuse when they went to the sheriff to inquire about the incident. A hospital report concluded that the father, who suffers from brain cancer and epilepsy, had suffered oxygen deprivation and a rib contusion. Both the county prosecution investigations office and the national Roma self-government were investigating the incident at year’s end.

In November the eight police officers accused of the December 2004 beating a Romani man in Kaposvar were acquitted. The investigation into the December 2004 police beating of a Romani couple detained in Szigetvar on suspicion of pickpocketing concluded with no charges filed.

In some cases police were indifferent to foreign victims of crime; police often neglected to investigate reports of theft made by foreigners.

Prison and Detention Center Conditions.—Prisons generally met international standards; however, overcrowding was a serious problem.

During the year prisons and detention centers held an average of 16,410 persons and were at 146 percent of capacity, with one prison at 246 percent of capacity. The government began construction on two new prisons to relieve overcrowding.

In January a modification to a law on detentions went into effect, providing for pretrial detentions (with some exceptions) to be carried out in remand prisons and not police holding cells.

The government permitted visits by independent human rights observers, and such visits occurred during the year.

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

Role of the Police and Security Apparatus.—The Hungarian national police (HNP), under the direction of the Ministry of Interior, has responsibility for law enforcement and the maintenance of order. City police forces and the national border guards also share security responsibilities under the interior ministry’s direction. Police corruption was a problem, particularly the soliciting or accepting of bribes in exchange for ignoring traffic violations. The government actively pursued allegations of police abuse. Punishments for abuses committed by police included fines, probation, dismissal, and prison sentences.

Arrest and Detention.—The law requires police to obtain warrants in order to place an individual under arrest. Police must inform suspects upon arrest of the charges against them but may hold detainees for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings, and that the authorities provide counsel for detained suspects, juveniles, the indigent, and the mentally disabled. In actuality, police did not always allow access to counsel, particularly for persons accused of minor crimes. Although a comprehensive bail system existed, it was infrequently used.

In certain circumstances, the law permits police to hold suspects for up to twelve hours. A special type of detention called “public security detention” allows police to detain individuals who do not have identification for up to 24 hours.

There were no reports of political detainees.

The prosecutor general’s office reported that the average length of pretrial detention in 2004 was 118.5 days. In the first half of the year 2,481 persons were in pretrial detention for an average period of 126 days, with approximately 14 percent of detainees being held for periods longer than 8 months.

Roma reportedly were kept in pretrial detention more frequently than non-Roma. Pretrial detention sometimes equaled but did not exceed the sentence. In cases of acquittal, the law provides for monetary compensation.

e. Denial of Fair Public Trial.—Under the constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all other courts. District courts are the courts of first instance. Regional courts are courts of appeal from district courts and can also function as courts of first instance. Five courts of appeal handle appeals from

regional courts. The Supreme Court functions as the highest judicial body and can review the decisions of lower courts in certain cases.

The Constitutional Court stands apart from the rest of the judicial system and cannot overturn the decisions handed down by other courts. This court is charged with reviewing both the constitutionality of the laws and statutes brought before it as well as international treaties ratified by the government. Citizens may bring appeals directly to the Constitutional Court if they believe that their constitutional rights have been violated. The Constitutional Court is required to address every petition it receives; however, no deadline is specified for the court to render a decision, which has resulted in a considerable backlog of cases. The court received 1,136 complaints during the year. Parliament elects the 11 members of the Constitutional Court, who serve nine-year terms. All four vacancies on the court were filled in November.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally respected this right. Trials are public, but judges may in some cases agree to a closed trial to protect the accused or the victim of a crime. Judicial proceedings generally were investigative rather than adversarial in nature. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Counsel is appointed for individuals in need, including indigent clients, but the public defender system generally provided substandard service.

Judicial proceedings varied in length, and delays of several months to a year were common before the commencement of trials. Cases on appeal may remain pending before the courts for indefinite periods, during which time defendants are held in detention. Defendants can challenge or question witnesses against them and present witnesses and evidence on their own behalf, and they have access to government-held evidence relevant to their cases. There is no jury system; judges are the final arbiters.

Many human rights and Romani organizations claimed that Roma received unequal treatment in the judicial process (see section 1.d.).

Military trials follow civil law and may be closed if justified on national security or moral grounds. In all cases, sentencing must take place publicly. The law does not provide for the trial of civilians in military courts.

Political Prisoners.—There were no reports of political prisoners.

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

Roma faced discrimination in housing (see section 5).

According to the Roma Civil Rights Foundation (RCRF), many municipalities employed a variety of techniques to prevent Roma from living in more desirable neighborhoods of their cities. Such techniques included the misappropriation by local governments of social housing designated for the poor by auctioning it off to the highest bidder, as well as the eviction of Roma from areas slated for renovation without providing enough financial compensation for them to move back once renovations were completed. The RCRF also reported that district councils threatened to take children away from Roma families to expedite evictions. On May 2, the parliamentary commissioner for national and ethnic minority rights formally requested that the Minister of Interior open a countrywide investigation into racial discrimination against Roma in the allotment of social housing.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, the government influenced editorial and personnel decisions of state-owned media.

The independent media were active and expressed a wide variety of views without restriction. Interference in state-owned media, however, remained a concern. Several state-owned radio and television stations were governed by a state-appointed public media oversight board, which has proportional political representation. In 2004 the daily newspaper *Nepszava* reported that the president of Hungarian Public Radio (HPR) had been a secret agent during the Communist period, but these allegations were never substantiated and were widely believed to be a politically motivated attempt to discredit her since she had been appointed by the previous government. When her term expired in July, a dispute arose between the chairman and other members of the board of trustees over her interim replacement, and the chairman threatened to withhold government funds from HPR. The house speaker initiated committee inquiries into the legality of the interim leadership. The Hungarian Federation of Electronic Journalists, a professional association, characterized this

parliamentary scrutiny as a threat to public service media. Opposition political parties continued to be critical of the pro-government news coverage in state-owned media.

A 1996 law provides for the creation of nationwide commercial television and radio boards in order to insulate the remaining public service media from government control. The media boards are elected every four years following parliamentary elections. The National Television and Radio Board monitored news broadcasts for equal treatment of all political parties and can fine public and private broadcasters for noncompliance; however, no fines were imposed during the year.

Unlike the previous year, journalists were not convicted for libel. During the year the case of a journalist charged in 2004 with breaching privacy laws went to trial, resulting in his acquittal by the court of first instance. The journalist had written an article that cited a police memorandum about criminal evidence gathered on a member of parliament. The prosecution appealed the court's ruling.

There were no government restrictions on the Internet or academic freedom. There were reports, however, that the mayor of Budapest refused event permits for concerts sponsored by right-wing cultural groups.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly and the government generally respected this right in practice. In January, Blood and Honor, a neo-Nazi group, appealed a December 2004 decision to withdraw its legal status. The court of appeal suspended proceedings in August in order to request the opinion of the Supreme Court on the relationship between the constitutionally guaranteed rights of freedom of assembly and human dignity. When the Supreme Court found no constitutional obstacles, the group was formally disbanded in October and re-applied for registration in November under the name "Pax Hungarica Society."

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. There is no state religion; however, there are four historically recognized religious groups (Roman Catholic, Reformed, Evangelical, and Jewish) as well as 137 other officially recognized denominations. Recognized denominations received tax incentives that unregistered religious groups did not.

At the end of the year there were 770 pending property restitution cases involving religious groups. In September the government passed a resolution calling for all outstanding claims to religious property to be settled by the middle of 2006. In October the government returned a large synagogue located in central Budapest to the Jewish community.

Societal Abuses and Discrimination.—In September a number of anti-Islamic posters appeared in Budapest. Police did not initiate an investigation, citing freedom of speech.

Despite a decrease in anti-Semitic incidents over the past several years, representatives of the Jewish community—which numbers between 80 thousand and 100 thousand—expressed concern over anti-Semitism in some media outlets, in society, and in coded political speech. For example, they criticized certain segments of *Vasarnapi Ujsag*, an ongoing Sunday news program on Hungarian Public Radio, for presenting guests who held anti-Semitic viewpoints. The weekly newspaper *Magyar Demokrata* continued to feature articles by authors who have denied the Holocaust, and to regularly publish anti-Semitic articles regularly.

In the first six months of the year, police reported 89 cases of persons vandalizing gravestones and cemeteries (including one Jewish cemetery), down from 216 cases for all of 2004. In June 130 graves were vandalized at the central Jewish cemetery in Budapest. Because police discovered no overtly anti-Semitic manifestations, they and Jewish leaders suspect motives other than anti-Semitism. The police investigation remained open.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights and the government generally respected them in practice.

The law does not provide for forced exile, and the government did not employ it. The law permits the government to delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. During the year there were no known cases of delayed emigration.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for pro-

viding protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared prosecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol and provided it to approximately 95 persons during the year.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees and asylum seekers. The UNHCR reported that 1,609 asylum applications were filed during the year. In 2004 the average length of stay in the refugee reception centers was 220 days.

Although police sought the timely deportation of detainees who did not qualify for refugee status, a shortage of funds and the detainees' frequent lack of documentation often resulted in stays of over a year. Although there were no reports of abuse during deportation, NGOs criticized the government's prolonged detention of stateless and sometimes undocumented foreigners pending resolution of their cases.

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

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

Elections and Political Participation.—Parliamentary elections in 2002 were free and fair.

There were 35 women in the 386 seat parliament. There were two women in the cabinet.

There were no figures on the number of minorities in parliament or the cabinet. However, minorities did not appear to be well represented. There were three thousand Romani politicians in the local and national minority self-governments (MSGs), which provided wide cultural autonomy for minorities and handled primarily cultural and educational affairs. The president of each self-government also has the right to speak at and attend local government assemblies. At year's end 970 out of the 1,830 active self-governments were Romani.

Two factors limited the effectiveness of the Romani and other MSGs. The election of non-minorities to the MSGs prevented some minorities from exercising the autonomy the law is intended to promote, and some critics claim that MSGs lack the legal authority and financial resources necessary to effectively address minority issues. On June 13, parliament passed an amendment of the laws on minorities and elections in order to address these concerns. The amendment requires voters for MSGs to register as a minority, and MSG candidates must be endorsed by the appropriate minority NGO. The amendment also provides for a "set-aside" minority seat on the local council and in some cases confers voting power for the minority representative. In June 2004 the president of the republic forwarded the amendment to the Constitutional Court to determine its legality. In September the Constitutional Court found the "set aside" provision unconstitutional and a new version of the amendment was being drafted at year's end.

Government Corruption and Transparency.—There was a widespread perception of corruption in the executive and legislative branches. There were no reported police investigations or prosecutions regarding corruption in government. Low-level corruption among law enforcement officials remained a problem. In July 2004 a dedicated 12-person anticorruption mobile unit within the police force was disbanded as part of a restructuring plan for the national police headquarters. A nine-person anticorruption unit within the national police headquarters investigated corruption within the government, although persons with parliamentary immunity were exempt from its purview. No dedicated unit existed to fight internal corruption, although the protective service of law enforcement agencies, which oversees all law enforcement agencies, can investigate corruption cases.

The law provides for access to government information and the government generally provided it upon request. Many court rulings were unavailable to the public, which critics charged led to legal uncertainty. In July parliament passed the freedom of electronic information law, which obligates public institutions to place information of public interest on the internet. The law had not yet gone into force at year's end.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The government was cooperative and responsive to their views.

The 21-member parliamentary committee for human, minority, and religious rights conducted hearings and participated in the law-making process. The committee reviewed legislative proposals, particularly the annual budget and amendments to the laws affecting minority groups. Separate ombudsmen for human rights, data protection, and minority affairs are independent of the government and delivered annual reports to parliament on their activities and findings. Parliament received their reports but was not legally bound to act on them. Parliament elects the ombudsmen for six-year terms. Persons with complaints who have not obtained redress elsewhere may seek the assistance of the ombudsman's office. The ombudsman's office does not have the authority to issue legally binding judgments but may act as a mediator and conduct fact-finding inquiries.

The minority affairs ombudsman played an active role in the investigation of allegations of discrimination against the Romani community in such cases as school segregation, access to housing, and the election of non-Roma to the Romani MSGs.

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

The law provides for individual rights, equality, and protection against discrimination; however, in practice, discrimination persisted, particularly against Roma. Violence against women, child abuse, and trafficking in persons were also problems.

Women.—Domestic violence against women was a problem. Research conducted by an expert in the field indicates that as many as 20 percent of women were threatened or victimized by domestic violence. The law does not specifically prohibit domestic violence or spousal abuse. The charge of battery, which carries a prison term of up to eight years, can be used to prosecute cases. Societal attitudes tend to blame the victim of the abuse, and police were reluctant to punish abusers. Most incidents of domestic violence went unreported, as many victims did not report incidents of domestic violence out of fear and shame.

The Ministry of Youth, Family, Social Affairs, and Equal Opportunities continued to operate a 24-hour hot line for victims of domestic abuse and to set aside beds for them at government-run shelters. NGOs believed the government focused insufficient attention on domestic violence.

Rape, including spousal rape, is illegal, but the crime was often unreported because of the social stigma borne by victims. Penalties for rape range normally from 2 to 8 years, and up to 15 years in aggravated cases. Although the number of rape related investigations was not available, during the first half of the year police investigated 1,094 cases of crimes against sexual morals, which includes rape. A total of 417 convictions for such crimes were registered. Police reportedly were unsympathetic toward victims of sexual abuse, particularly if the victim had been acquainted with her abuser.

Prostitution is legal, but there are legal restrictions on where it may be carried out. Tolerances zones can be established where a significant amount of prostitution can legally occur within a confined area, but no such zones were in effect during the year. Police regularly fined prostitutes for offering their services, and targeted them for physical and verbal abuse. There were approximately 20 thousand prostitutes, many of whom were vulnerable to being forced or coerced into the activity by local pimps who keep most of their earnings. Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

Although the law does not explicitly prohibit sexual harassment in the workplace, general harassment is illegal and the law has a section addressing the right to a secure workplace. Nonetheless, sexual harassment remained a widespread problem. Women's groups reported that there was little government support for the efforts of NGOs and some legislators to criminalize sexual harassment and that sexual harassment was tolerated by women who feared unemployment more than harassment.

Women have the same rights as men under family law, property law, and in the judicial system. However, there was economic discrimination against women in the workplace, particularly against women over age 50 and pregnant women. In January the government established the Equal Treatment Authority (ETA) to investigate discriminatory treatment. During the year the ETA determined that employers had illegally discriminated in nine cases, with most of the victims being women or Roma. The ETA imposed penalties ranging from reprimands to fines.

Children.—The government was committed to children's rights. The law provides for compulsory education, which was free through age 18 for children who were born

after 1997. The Ministry of Education estimated that 95 percent of school-age children were enrolled in school, although the drop-out rate for Romani children was much higher than for the overall student population. NGOs reported that only 10 percent of Romani children complete high school, compared to 80 percent of the general population.

The highest education level achieved by most students was secondary school.

Although education laws forbid the official segregation of children according to ethnicity or nationality, the de facto segregation of Romani children was a problem. Romani children were often placed without cause in remedial classes, effectively separating them from other students. NGOs and government officials estimated that 20 percent of Roma children were in remedial programs and that seven hundred such segregated classes existed. Many schools with a majority of Romani students had substandard buildings and resources, as well as simplified curricula. Furthermore, according to the European Roma Rights Center, Romani students comprised only 20 percent of the country's student population but over 50 percent of the student body in special schools for children with developmental disabilities.

In August an NGO filed a suit against the city of Miskolc, charging that at least three schools in the district relegate Romani and other disadvantaged children to separate, poorly maintained buildings and instruct them in a simplified curriculum. In November the court of first instance found that no discrimination had occurred. The NGO filed an appeal, which had not been ruled on at year's end.

Although the government provided medical care to school aged children, NGOs and Romani activists claimed that Romani children did not have equal access to these and other government services.

Child abuse remained a problem. Some NGOs estimated that 25 percent of girls suffered from physical or sexual abuse by a family member before they reached the age of 12.

During the first half of the year, children were reported as victims of 2,933 crimes; nevertheless, police infrequently enforced laws to protect children. NGOs reported that neglect and abuse occurred in state care facilities such as orphanages.

Child marriages were uncommon; however, the government reported that 1 percent of the men who married, and 4 percent of the women who married, were under the age of 18. A small percentage of rural Roma allowed their female children to cohabit with a future spouse and his family prior to age 14.

Child prostitution was not a common practice, although isolated incidents occurred. Severe penalties existed under the law for those persons convicted of sexually abusing children by engaging in such acts. Although child prostitutes are not criminally prosecuted, they can be remanded to juvenile centers for rehabilitation and to complete school.

Trafficking in children for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons to, from, and primarily through the country remained a problem.

The law provides penalties for trafficking ranging from 1 to 15 years in prison, depending on the circumstances of the case. The trafficking of minors is punishable by up to 10 years in prison. If an organized trafficking ring is involved, however, the sentence can be life imprisonment and the seizure of assets. The law stipulates the immediate deportation of foreign traffickers following the completion of their sentences.

The government agents most directly involved in antitrafficking efforts were the police, border guards, customs authorities, prosecutors, and the justice, interior, and foreign ministries. In principle, the government is willing to extradite foreign nationals charged with trafficking; however, no such extraditions took place. The organized crime task force investigated trafficking cases involving organized crime, and the government cooperated with other countries in joint trafficking investigations.

The country was a source, transit point, and destination for trafficking in persons. The annual number of trafficking victims from the country was estimated at three thousand to four thousand. Those most at risk were orphans who have attained adulthood, young women from the countryside, and young Romani women. Women and children were trafficked for sexual exploitation primarily from countries to the east and south where unemployment is higher (Russia, Romania, Ukraine, Moldova, Bulgaria, and the Balkans). Trafficking victims either remained in the country or proceeded on to Western Europe and the United States. There were no reports of men trafficked to or through the country for forced labor.

Organized crime syndicates transported many of the trafficking victims for forced prostitution either in Budapest, or for transit to Western Europe or North America. Trafficking rings also exploited victims for domestic servitude and manual labor. Russian-speaking organized crime syndicates were active in trafficking women

through the country, primarily from Ukraine and other countries of the former Soviet Union to European Union (EU) countries. Victims were recruited at discos and modeling agencies, through word of mouth, or even through open advertisements in local newspapers and magazines. Reportedly, some victims knew that they were going to work illegally, others believed they were getting foreign visas, and others expected to work but believed their employers were obtaining the appropriate papers and permission. Once at their destination, the victims were forced into prostitution or another form of exploitation. Victims were usually housed in apartments owned by the traffickers or outbuildings on their property. Victims' earnings and travel documents were typically taken by the trafficker.

There was no evidence of government involvement in or tolerance of trafficking, but there were reports that individual border guards were involved with corruption. In 2004 one police officer was arrested for providing prostitutes and was awaiting trial at year's end.

Trafficking victims who cooperated with police and prosecutors were able to gain temporary residency status, short-term relief from deportation, and shelter assistance. In March Hungarian Baptist Aid (HBA) opened a 156-bed shelter for victims of trafficking and domestic abuse in a complex of buildings donated by the government. Other NGOs provided shelter on an informal basis. The 51 local branches of the victims' protection office provided psychological and social support services and legal aid for all types of victims, including trafficking victims. The ministries of youth, family, social affairs, and equal opportunity operated a hot line for victims of trafficking and supported the HBA shelter for victims of trafficking.

The government maintained an inter-ministerial working group on trafficking, which is responsible for developing policy within the government, but no unified national approach to counter-trafficking programs was developed. Government officials cited difficulty in coordinating the three different ministries concerned with trafficking issues (interior, foreign affairs, and equal opportunities). On June 18, the minister of the interior signed a ministry antitrafficking action plan that emphasized police training and victim assistance. The ministry's various departments faced a December 31 deadline to prepare the new regulations required by the plan.

During the year the government created a bilateral working group comprised of representatives from various ministries, NGOs, and other international organizations. Convening for the first time on October 17, the group discussed the government's efforts to combat trafficking, particularly with regard to providing victim assistance, increasing public awareness, and gathering meaningful statistics.

The government continued to increase trafficking awareness and victim identification training for law enforcement and judicial officials by holding training workshops throughout the country.

During the year nearly 450 teachers and social workers took university classes on trafficking, and the government sponsored trafficking awareness programs in public and religious schools. Working with other NGOs, the International Organization for Migration (IOM) continued a program funded by the government and foreign donors to raise awareness of the problem of trafficking and to educate potential victims.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, persons with disabilities faced societal discrimination and prejudice. Government sources estimated that there were between 600 thousand and 1 million persons with disabilities (6 to 10 percent of the population).

Persons with disabilities most commonly face discrimination in employment and access to health care. Approximately 90 percent of persons with mental disabilities who are of working age are not employed. Cases of abuse and neglect have been reported in mental health care facilities. Some residents of government funded homes for the elderly were tied to their chairs and forced to sit all day.

The international NGO Mental Disability Rights International (MDRI) and the local NGO Hungarian Mental Health Interest Forum (PEF) noted that no procedures existed to supervise the treatment and care of persons with disabilities who were under guardianship. This lack of oversight often resulted in the blanket institutionalization of many individuals who did not require it. The MDRI and the PEF reported that cages or cage beds were no longer used in government facilities for persons with mental disabilities.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. In practice this regulation was not very effective, as employers typically prefer to pay the small fine if caught.

The law mandates access to buildings for persons with disabilities; however, services for persons with disabilities were limited, and most buildings were not wheelchair accessible.

The council for the disabled, under the leadership of the Minister of Social and Family Affairs, served as an advisory board to the government. The council evaluated the government's progress in implementing the disability action plan and identified a number of failures and delays. The council also urged the adoption of amendments to relevant statutes affecting the disabled, mainly regarding the provision of equal access to buildings and support services.

National/Racial/Ethnic Minorities.—Discrimination against Roma remained a problem. Reports of police abuse against Roma were common, but many Roma were fearful of seeking legal remedies or notify NGOs (see section 1.c.).

There were no developments in the trial of police officers in Hajduhadhaz accused of using excessive force against a Romani man in 2003.

Living conditions for Romani communities continued to be significantly worse than for the general population. Roma were significantly less educated and had below average income and life expectancy. The unemployment rate for Roma was estimated at 70 percent, more than 10 times the national average, and most Roma lived in extreme poverty. Widespread discrimination against Roma continued in education, housing, penal institutions, employment and access to public institutions, such as restaurants and pubs.

In July the ETA fined a cafe in Kalocsa because of its denial of entry in April to five Roma because of their ethnicity.

In June the county court in Szabolcs-Szatmar-Bereg ordered a popular disco to pay a fine for denying four Roma entry in April because of their ethnicity.

Predominantly Roma schools were more crowded, more poorly equipped, and in significantly worse condition than those attended by non-Roma (see section 5, Children). A book containing several negative stereotypes of Roma was used in a number of schools even though the government did not authorize it for the list of official school texts.

NGOs reported racial discrimination in adoption and high rates of removal of children from Romani families by child protective services. NGOs claimed that city councils threatened to remove children from Romani families in order to more easily evict those families for nonpayment of public utilities and discriminated against Roma in the distribution of social housing benefits (see section 1.f.).

The office of Roma affairs and the political state secretary for minority affairs worked in the Ministry of Youth, Family, and Social Affairs and Equal Opportunities. By August there were separate commissioners for Romani affairs in each of the three ministries of education, cultural heritage, and economy. The Roma affairs inter-ministerial commission continued to work to support the integration of the Roma and to coordinate the Roma affairs activities of the ministries and the national government offices. Of the 20 county labor affairs centers, 16 have Romani desk officers focusing on the needs of the Romani community. The Ministry of Education introduced financial incentives to encourage schools to integrate Romani and non-Romani children in the same classes, as well as to reintegrate those Roma inappropriately placed in remedial programs. The Ministry of Youth, Family, and Social Affairs and Equal Opportunities operated a program to finance infrastructure development in poor Romani communities. Government and NGO observers claimed that they could have accomplished more were it not for budget limitations and the government restructuring. Nevertheless, the government office of ethnic minorities along with the state secretary of Roma affairs played an active role in establishing the European Roma Forum in Brussels.

The minority affairs ombudsman played an active role in the examination of allegations of discrimination against the Romani community and continued to promote a uniform antidiscrimination law (see section 4). The Ministry of Justice also funded a Roma antidiscrimination legal service network, which provided free legal aid to Roma in cases where they had been discriminated against based on their ethnicity.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions and workers exercised these rights in practice. Approximately 23 percent of the labor force was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference and the government protected this right in practice. Collective bargaining is protected by law and it was freely practiced. Approximately 38 percent of the workforce was covered by collective bargaining agreements.

With the exception of military personnel and police officers, workers have the right to strike and workers exercised this right in practice. The law permits the unions of military personnel and police officers to seek resolution of grievances in the courts.

There are no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities. There are no exemptions from regular labor laws in the duty-free zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace. The law prohibits labor by children under the age of 16 and regulates temporary labor conditions during school vacations of those aged 14 to 16, including prohibitions on night shifts and hard physical labor. Children may not work overtime. The national labor center enforced these regulations in practice, and there were no reports of any significant violations of this statute.

Trafficking in children occurred (see section 5).

e. Acceptable Conditions of Work.—The minimum monthly wage of \$285 (57,000 HUF) did not provide a decent standard of living for a worker and family. The minimum wage was regularly evaluated and raised by the national council for interest reconciliation, a tripartite body of employers, employees, and the government. The council announced that an increase in the minimum wage to \$310 (62,000 HUF) would take effect at the beginning of 2006.

The law sets the official workday at eight hours, although it may vary depending upon the nature of the industry. A 48-hour rest period is required during any 7-day period. The regular work week is 40 hours, with premium pay for overtime, and the law prohibits overtime exceeding 200 hours per year. The law applies equally to foreign workers who have received the necessary work permits.

Labor courts and the Hungarian labor inspectorate (HLI) enforced occupational safety standards set by the government, but specific safety conditions were not consistent with internationally accepted standards, and enforcement was not always effective. During the year an HLI survey of over 4,500 construction employers found that over 30 percent had employees working under conditions of serious risk. Under the law workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and this right generally was respected in practice.

ICELAND

Iceland, with a population of 300 thousand, is a constitutional republic and a parliamentary democracy; executive authority is vested in the prime minister, the president is head of state, and the unicameral Althingi parliament constitutes the legislative branch. In June 2004 Olafur Ragnar Grimsson was reelected as president in free and fair elections. In September 2004 Foreign Minister Halldor Asgrimsson (Progressive) replaced Prime Minister David Oddsson (Independence) based on a coalition agreement. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported:

- violence against women
- societal discrimination against minorities and foreigners
- isolated reports of women trafficked to the country

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison and Detention Center Conditions.—Prison conditions generally met international standards.

Following retraining of staff in 2004 on proper procedures for safeguarding prisoner welfare, prison officers' calls to a staff psychiatrist increased, demonstrating greater responsiveness to prisoner needs. However, in a December report the Council of Europe (COE) Commissioner for Human Rights expressed concern that prisoners did not have access to specialized mental health care services. The commissioner urged the authorities to arrange for treatment outside the prison system if necessary to meet individual care requirements.

The government maintained a separate minimum-security prison for women inmates; however, because so few women were incarcerated, some men were also held there. In the rare instances when juvenile offenders were incarcerated, they were held with adults, since there was no separate facility for juveniles. Pretrial detainees were held together with convicted prisoners.

The government permitted visits by independent human rights observers, and from July 4 to 6 the COE Commissioner for Human Rights visited the Reception Center for Asylum-seekers in Njardvik, the police station at Keflavik Airport, the police headquarters and its detention facility in Reykjavik, and the Litla Hraun Prison.

During the year 77 persons placed in custody spent 8.2 days on average in solitary confinement. The total amount of time that they spent in isolation was more than a month in 5 percent of cases. The daily average number of remand prisoners in isolation was 1.7, while the total number of days they spent there was 630 out of a total of 5,884 days in custody. All 11 reported cases of minors placed in custody involved some use of isolation.

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 minister of justice heads the police force. The national commissioner of police administers and runs police operations that require centralized coordination among various offices. Various district chiefs of police have responsibility for law enforcement in their areas, investigate criminal offenses, and have prosecution powers. The police force was effective, and corruption was not a problem. Complaints regarding police abuses could be directed to a state prosecutor, which in turn would seek investigative assistance from the national commissioner or, if the national commissioner were the subject of the investigation, the Reykjavik police department.

Arrest and Detention.—Police may make arrests: when they believe a prosecutable offense has been committed; where necessary to prevent further offenses or destruction of evidence; to protect the suspect's safety; or when someone refuses to obey police orders to move. Arrest warrants were not always required. Persons placed under arrest are entitled to legal counsel, which is provided by the government if they are indigent; receive a form for their signature that outlines their rights and options; and within 24 hours of the arrest appear before a judge who rules whether they need to remain in custody during the investigation and may grant conditional release subject to assurances that the accused will appear for trial. In his December report, the COE Commissioner for Human Rights recommended that only judges, rather than police and prosecutors, be permitted to place detainees, especially minors, in solitary confinement. There were no reports of political detainees.

In June the case of three men who alleged they had been wrongfully detained when protesting the official visit of Chinese Premier Jiang Zemin in 2002 was settled out of court for an undisclosed amount. In February Reykjavik district court awarded a fourth man \$1,406 (ISK 90 thousand), with interest, for wrongfully arresting him in connection with the same protest.

In November the Supreme Court upheld the April conviction of a police officer for a 2004 incident in which he pulled his police car in front of a speeding motorcycle, causing a crash that injured the motorcyclist; however, the Supreme Court suspended for two years the lower court's imposition on the officer of an approximately \$3,200 (ISK 200 thousand) fine.

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

There are two levels of courts: district courts, of which there are eight, and the Supreme Court. The minister of justice appoints all judges, who serve for life.

Trial Procedures.—Courts do not use juries, but multijudge panels are common, particularly in the Supreme Court. The courts presume defendants' innocence and generally try them without delay. Defendants receive access to legal counsel of their own choosing. For defendants unable to pay attorneys' fees, the government covers the cost; however, defendants who are found guilty must reimburse the government.

Defendants have the right to be present at their trial, to confront witnesses, and to participate in the proceedings; they and their attorneys have access to government-held evidence relevant to their cases. At the discretion of the courts, prosecutors may introduce evidence that police have obtained illegally. With limited exceptions trials are public and conducted fairly. Defendants have the right to appeal, and the Supreme Court handles appeals expeditiously.

Political Prisoners.—There were no reports of political prisoners.

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

In order to obtain a permit to stay in the country based on marriage with a citizen or holder of a resident permit, a partner or spouse must be at least 24 years of age. In August and December, the UN Committee on the Elimination of Racial Discrimination (CERD) and the COE Commissioner of Human Rights, respectively, expressed concern about this requirement.

In May 2004 the parliament amended the law to give authorities the power to conduct house searches without a prior court order when there is a significant risk that any delay would jeopardize an investigation of immigration fraud, as well as to request DNA tests in cases where they suspect immigration fraud. Human rights and immigrants' advocates criticized the amendments for infringing on individuals' privacy. In practice neither home searches without warrants nor DNA tests have taken place.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. The state financially supported and promoted the official religion, Lutheranism. This adversely affected other religions in that they did not receive equal time or deference in school curricula or comparable subsidies for their faith-based programming.

The law specifies conditions and procedures that religious organizations must follow to be registered by the government. Such recognition was necessary for religious organizations other than the state church to receive a per capita share of church tax funds from the government. The government did not place any restrictions or requirements on unregistered religious organizations, which had the same rights as other groups in society.

All citizens 16 years of age and older must pay an annual church tax of approximately \$127 (ISK 7,800) and an annual cemetery tax of approximately \$48 (ISK 2,952). For persons who were not registered as belonging to a religious organization, or who belonged to one that was not registered and officially recognized, the tax payment went to the University of Iceland, a secular institution. Atheists and humanists objected to having their fee go to the university, asserting that this was inconsistent with the right of freedom of association.

The law mandates religious instruction in Christianity in the public schools; however, students may be exempted from attending the classes.

Societal Abuses and Discrimination.—There are no official groups representing Jews in the country, and the community numbers under 100 individuals.

There were no reports of physical violence against Jews or acts of violence against, or vandalism of, Jewish community institutions during the year.

The law establishes penalties of fines and up to two years in prison for verbal or physical assault on an individual or group based on their religion. In March a prominent public figure made strongly anti-Semitic comments that were widely reported in the media. Despite numerous calls from human rights advocates for him to face prosecution under the law, authorities did not pursue a case.

In April the government faced media criticism after the prime minister declined to apologize for the country's deportation of Jews to Germany in the period immediately preceding World War II.

In August 2004 a Jewish visitor reported in an online newsmagazine that he and a friend had been harassed by a group of young teenagers who pointed at his yarmulke, gave a "heil Hitler" salute, and then briefly blocked the visitors' exit from

a parking lot and intimidated them. A daily newspaper reported the story, sparking over 30 online comments from correspondents based in the country. Some of the comments were themselves anti-Semitic or xenophobic in tone and content. The visitor also complained about a swastika-like emblem on a prominent Reykjavik building. The emblem was in fact a Thor's hammer, an ancient Icelandic symbol and the logo of a national shipping line headquartered in the building. In May new owners of the building covered the emblem to avoid confusion and offense to those not familiar with its origin.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. The government cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees but had no fixed refugee acceptance requirements.

Processing of asylum cases may take a year or more, during which time asylum seekers were eligible for state-subsidized health care, could enroll their children in public schools and apply for work permits; however, human rights advocates criticized the law for not specifying which “significant human rights reasons” must underpin granting of such permits. The law stipulates that children of asylum seekers have to be in the country for three months before they may attend public schools. Some children of asylum seekers were enrolled in public schools during the year.

In August the CERD expressed concern about reports that asylum requests were not always properly handled by border guards; and encouraged the government to intensify its efforts to provide systematic training to these officials.

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

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

Elections and Political Participation.—The last presidential election was held in June 2004, when Olafur Ragnar Grimsson won 85.6 percent of the valid votes for his third term. While the office of the president is mostly ceremonial, there are no limits on how many times an incumbent may run for office. Elections to the parliament in 2003 were free and fair. Center-right coalitions have governed since 1991.

There were 21 women in the 63-seat parliament and 3 women in the 12-member cabinet. Two of 9 Supreme Court members and 10 of 38 district court judges were women. Foreigners who have resided in the country legally for 5 years (3 years for Scandinavian citizens) may vote in municipal elections. There were no minorities in the legislature.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year. Following an investigation, the state auditor found in June that the prime minister's official participation in the 2001 privatization of the state-owned Bunadarbanki was lawful, despite his personal financial connections with the bank. In September the ombudsman of parliament agreed that there were no grounds for further inquiry (see section 4).

The law provides for public access to government information, and the government provided access in practice for citizens and noncitizens, including foreign media. Appeals against refusals by government authorities to grant access to materials may be referred to the information committee, three persons appointed to four-year terms by the prime minister. Members of the committee may not be permanent employees of government ministries.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were cooperative and responsive to their views.

In November 2004 the parliament eliminated direct government funding for the Icelandic Human Rights Center. Funded primarily by the government, but operated as a nongovernmental organization (NGO), the center had acted as the country's leading human rights organization, vetting government legislation and reporting to international treaty monitoring bodies as well as promoting human rights education and research. The new funding mechanism resulted in the center receiving 28 percent of what had previously been allocated by the government for its operations. NGOs, unions, and the city of Reykjavik assisted the center with funding to remain open. Public figures, human rights advocates, and several of the center's European partner institutes unsuccessfully appealed to the parliament to earmark institutional support for the center, arguing that having to apply to the executive branch for individual project grants undermined its independence and disabled it from criticizing the government. In August the CERD encouraged the government to ensure adequate funding of institutions such as the Human Rights Center. In December the COE Human Right Commissioner urged authorities to ensure that the country would continue to benefit from the services of an independent national human rights institution.

The government cooperated with international organizations and permitted visits by the International Committee of the Red Cross.

An independent ombudsman, elected by parliament, monitors and reports to national and local authorities to ensure equal protection of persons residing in the country, whether citizens or aliens. Individuals may lodge complaints with the ombudsman regarding decisions, procedures, and conduct of public officials and government agencies. The ombudsman may demand official reports, documents, and records; may summon officials to give testimony; and has access to official premises. He has complained that government agencies were slow to respond to requests for information and documents, causing delays in his handling of cases. By year's end the government had not responded. While the ombudsman's conclusions are not binding on authorities, his recommendations generally were followed. There was also a children's ombudsman (see section 5).

Section 5. Discrimination, Societal Abuses and Trafficking in Persons

The constitution provides that everyone shall be equal before the law and enjoy human rights irrespective of gender, race, social status, or language. Various laws implement this principle and the government effectively enforced them.

Women.—The law prohibits domestic violence; however, violence against women continued to be a problem. Police statistics indicated that the incidence of violence against women, including rape and sexual assault, was low; however, the number of women seeking medical and counseling assistance indicated that many incidents went unreported. During the year up to 92 women sought temporary lodging at the country's women's shelter, mainly because of domestic violence, and the shelter offered counseling to approximately 465 clients. Also during the year, some 130 individuals sought assistance at the national hospital's rape crisis center.

Women's rights advocates expressed concern that the law makes no distinction between domestic and stranger violence. The Ministry of Justice committee on criminal law proposed to amend the law to exhort judges to take the perpetrator's and victim's intimate relationship into account at the sentencing stage with enhanced punishments for domestic abusers. New legislation had not yet gone before the legislature at year's end. Neither the Ministry of Justice nor the State Prosecutor's Office maintained statistics on prosecutions and convictions for domestic abuse.

The government helped finance various facilities and organizations that provided assistance to victims of violence. The government, in addition to partially funding such services, provided help to immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights. Courts could issue restraining orders, but there were complaints that the police were reluctant to recommend them and that the courts granted them only in extreme circumstances. Victims of sexual crimes were entitled to lawyers to advise them of their legal rights and help them pursue cases against the alleged assailants; however, a large majority of victims declined to press charges or chose to forgo trial, in part to avoid unwanted publicity. Some local human rights monitors also attributed underreporting to the fact that convictions are rare due to the heavy burden of proof and traditionally yield light sentences. While sentences for domestic violence were gradually increased, the courts still considered precedent in most cases and, therefore, rarely made full use of available leeway under the law. According to statistics from the women's shelter, 12 percent of their clients pressed charges in 2004, up from 7 percent in 2003.

The law criminalizes rape and establishes a maximum penalty of 16 years in prison for the crime. Spousal rape is not explicitly addressed in the law. Judges typically imposed sentences of one to three years in prison. The sexual violence counseling center in Reykjavik has noted that the rate of increase in complaints of rape during the year was higher than the number of convictions. In March the UN Human Rights Committee expressed concern that a heavy burden of proof for rape complainants was leading to a low conviction rate.

Although there have been no reported cases of female genital mutilation, in May the government banned it by law.

Prostitution was legal but rare. It was illegal to engage in prostitution as a main source of income or to act as an intermediary in the sale or procurement of sex.

There were concerns that some foreign women were trafficked to work as exotic dancers or in massage parlors where sexual services are offered (see section 5, Trafficking).

The law prohibits sexual harassment and stipulates that violations are punishable by fines; however, the law was not effectively enforced in practice. There was no central authority reporting violations and from which to seek redress, and employers had the freedom to decide whether they will make information regarding sexual harassment available to their employees. While gender equality advocates reported receiving several complaints a year, the charges never became court cases, suggesting that victims are unsure how to proceed with their claims and skeptical as to their reception.

Women enjoy the same rights as men, including under family law, property law, and the judicial system. Despite laws that require equal pay for equal work, a pay gap existed between men and women. According to one of the largest labor unions, during the year women on average earned 14 percent less than men. Additionally, in June a respected business college reported that its female graduates went on to earn up to 50 percent less than their male classmates. Some women's rights activists also expressed concern that only 14 percent of the Supreme Court bar and 24 of 148 professors at the national university were women.

In January the Supreme Court ruled against the municipality of Akureyri in a gender wage discrimination case in which a female department head was paid considerably less than a male counterpart. The court ordered the municipality to pay restitution as well as adjust the woman's salary.

The government funded a center for promoting gender equality to administer the Act on Equal Status and Equal Rights of Women and Men. The center also provided gender equality counseling and education to national and municipal authorities, institutions, companies, individuals, and NGOs. The minister of social affairs appoints a Complaints Committee on Equal Status to adjudicate alleged violations of the act; the committee's rulings are nonreviewable. The minister of social affairs also appoints an Equal Status Council, with nine members drawn from national women's organizations, the University of Iceland, and labor and professional groups, which makes recommendations for equalizing the status of men and women in the labor market.

In December a study sponsored by the Ministry of Education concluded that women receive substantially less television airtime than men and that the gap has increased since this issue was last examined in 1999.

In 2004 the Complaints Committee on Equal Status found that there was demonstrable gender bias in the justice minister's 2003 appointment of a Supreme Court justice where the minister did not provide an adequate explanation for appointing a man instead of a woman. The candidate delayed legal action while her application for another Supreme Court seat was under consideration, but, following the appointment in September 2004 of another male to the court, declared her intention to sue unless she could reach a settlement with the government. In December the woman settled her case in return for a paid year-long leave with the possibility of retiring thereafter.

Children.—The government was strongly committed to children's rights and welfare; it funded public education and health care. School attendance is compulsory through the age of 15 and free through public university level. According to the government-funded Agency for Child Protection, approximately 85 percent of students continued to upper secondary education.

The government provided free prenatal and infant medical care, as well as heavily subsidized childcare; girls and boys had equal access.

There were reports of abuse of children during the year. The Agency for Child Protection received 833 reports of abuse cases. While 233 reports were due to emotional abuse, 290 were related to physical abuse and 319 to sexual abuse. The agency operated eight treatment centers and a diagnostic facility for abused and troubled minors. It also coordinated the work of approximately 34 committees throughout the

country that were responsible for managing child protection issues (for example, foster care) in their local areas. The local committees hired professionals knowledgeable about sexual abuse.

In an effort to accelerate prosecution of child sexual abuse cases and lessen trauma to the child, the government maintained a Children's Assessment Center (*Barnahus*). During the year, the center conducted 182 investigative interviews, and 125 children underwent assessment and therapy, while 10 medical examinations were performed. The center was intended to create a safe and secure environment where child victims might feel more comfortable talking about what happened to them. It brought together police, prosecutors, judges, doctors, and officials from child protection services. District court judges did not have to use the center and could hold investigatory interviews in the courthouse instead, a practice that concerned some children's rights advocates.

The children's ombudsman, who is appointed by the prime minister but is independent from the government, fulfilled a mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, government decisions, and public attitudes. When investigating complaints, typically regarding physical and psychological abuse and inadequate accommodations for illnesses and disabilities, the ombudsman had access to all public and private institutions and associations that house children or otherwise care for them; however, the ombudsman's conclusions were not legally binding on parties to disputes.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were isolated reports that women were trafficked to the country for exploitation.

The law prohibits trafficking in persons with the aim of sexual abuse or forced labor and provides for imprisonment of up to eight years. During the year police did not charge any persons with trafficking; however, a Chinese citizen won a civil judgment of approximately \$65 thousand (ISK 4 million) when he sued for unpaid wages at a Kopavogur massage parlor. The ministries of justice, foreign affairs, and social affairs were involved in antitrafficking efforts.

Police, airport authorities, and women's aid groups reported that there was evidence of foreign women trafficked to the country, primarily to work in striptease clubs or massage parlors offering sexual services. The larger municipalities have banned private dancing, believed to serve as a front for prostitution and possibly trafficking, but clubs appeared able to circumvent the regulations with impunity. One club in the Reykjavik suburb of Kopavogur, markets private dances on its Web page and in full-page newspaper advertisements that depicted a semi-nude woman reclining on a bed. The Baltic countries were the main region of origin for women working in such clubs and parlors, with others coming from Central and Eastern Europe and Russia. There were no statistics on the number or origin of women actually trafficked. To work as an exotic dancer, any person from outside the European Economic Area (EEA) must first obtain a work permit, which is typically valid for three months. Social workers suspect that most foreign women working in this field come from within the EEA and are thus impossible to track through work permit applications.

Trafficking victims could seek help at the women's shelter, counseling center, and hospital, all of which received government funding. There were no domestic NGOs dedicated solely to assisting victims of trafficking, nor was there an established government assistance program. Some NGOs provided government-supported counseling and shelter to women and children who were victims of violence or sexual abuse. The Human Rights Center and Intercultural Center were also available to assist with trafficking cases and make referrals.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities, and there was no such official discrimination in employment, education, access to health care, or the provision of other state services. The law also provides that persons with disabilities receive preference for a government job when they are at least as qualified as other applicants; however, advocates asserted that common practice and implementation of the law fell short of full implementation to the extent that such persons constitute a majority of the country's poor.

Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs; that public property managers reserve 1 percent of parking spaces (a minimum of one space) for persons with disabilities; and that, to the extent possible, sidewalks outside the main entrance of such buildings be kept clear of ice and snow. Violations of these regulations are punishable by a fine or a jail sentence of up to two years; however, the main association for persons with disabilities complained that this regulation was not enforced regularly, and authorities rarely assessed penalties for noncompliance.

Some mental health advocates criticized the government for not devoting sufficient attention and resources to the care of persons with mental disabilities. Although the law safeguards their rights, a large number of persons with mental disabilities remained on waiting lists for housing, education, and employment programs. Advocates alleged that government funding for the care of persons with mental disabilities was generally inadequate and that the government-financed health system funded too few hospital places for acute patients and thus exacerbated a shortage of publicly funded preventative and follow-up mental health care.

The Ministry of Social Affairs is the lead government body responsible for protecting the rights of persons with disabilities. It coordinates the work of six regional offices that provide services and support persons with disabilities and a diagnostic and advisory center in Reykjavik that aims to create conditions to allow persons with disabilities to lead normal lives.

National/Racial/Ethnic Minorities.—While the population remained largely homogeneous, family- and employment-sponsored immigrants were more visible and suffered occasional incidents of harassment based on their race and ethnicity. According to a survey conducted for the country's Red Cross in August, 19 percent of respondents felt immigrants had a positive effect and 5 percent a negative effect.

The minister of social affairs announced in April that the government would establish an Immigrant Council in order to coordinate the work of four ministries and the municipalities on immigrant and refugee issues. The council, set to begin work in early 2006, would be charged with gathering statistical data on immigration; coordinating outreach efforts; distributing information to immigrants; and conducting research on the adaptation process to assist with successful integration.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements; and workers exercised these rights. Labor unions were independent of the government and political parties. Approximately 85 percent of all eligible workers belonged to unions.

The law requires employers to withhold union dues (1 percent of gross pay) from the pay of all employees, whether or not they are union members, to help support disability, strike, and pension funds, and other benefits to which all workers are entitled.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law allows workers to bargain collectively, and workers exercised this right in practice. Nearly 100 percent of the workforce was covered by collective bargaining agreement. Workers had the right to strike and exercised this right in practice.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively implemented laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children younger than age 16 in factories, on ships, or in other places that are hazardous or require hard labor; this prohibition was observed in practice. Children 14 or 15 years old may be employed part-time or during school vacations in light, nonhazardous occupations. Their work hours must not exceed the ordinary work hours of adults in the same occupation. The administration of occupational safety and health enforced child labor regulations effectively.

e. Acceptable Conditions of Work.—The law does not establish a minimum wage, but the minimum wages negotiated in various collectively bargained agreements applied automatically to all employees in those occupations, regardless of union membership. While the agreements can be either industry- or sector-wide, and in some cases firm-specific, the minimum wage levels are occupation-specific. Labor contracts provided a decent standard of living for a worker and family.

The standard legal workweek was 40 hours, which included nearly 3 hours of paid breaks a week. Work exceeding eight hours in a workday must be compensated as overtime. Workers were entitled to 11 hours of rest within each 24-hour period and to a day off every week. Under defined special circumstances, employers may reduce the 11-hour rest period to no less than 8 hours, but they then must compensate workers with 1.5 hours of rest for every hour of reduction. They may also postpone a worker's day off by a week. The Occupational Safety and Health Administration effectively enforced these regulations.

Labor unions criticized the government for not tightening regulations on employment agencies following the expansion of the EEA agreement in 2004. The expanded agreement has allowed large numbers of foreign workers, particularly in construction, to work in the country through service agreements for very low wages and without official monitoring. The unions argued that the employment agencies regularly disregarded worker rights, failed to observe collective bargaining agreements and labor legislation, and often failed to pay fees and taxes in accordance with the law. In September, to better enforce labor laws for foreign workers, the unions formally urged the government to enact legislation ensuring that employers and employees would have a direct relationship without any role for intermediaries such as employment agencies.

The legislature set health and safety standards, and the Ministry of Social Affairs administered and enforced them through its administration of occupational safety and health, which could close workplaces until they met safety and health standards. Workers had a collective, but not individual, right to refuse to work at a job that did not meet occupational safety and health criteria. It is illegal to fire workers who report unsafe or unhealthy conditions.

IRELAND

The Republic of Ireland is a multiparty parliamentary democracy with an executive branch headed by a prime minister, a bicameral parliament, and a directly elected president. The country's population was approximately four million. Free and fair parliamentary elections were held in 2002. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported:

- abuse and mistreatment of children
- incidents of violence and discrimination against immigrants, racial minorities, and Travellers (an indigenous migrant community)
- domestic violence

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were reports of abuse by police officers.

In 2004 the Police Complaints Board recorded 1,232 complaints, including abuse of authority, discourtesy, neglect, and discreditable conduct of police officers, compared with 1,175 such complaints recorded in 2003. Of these complaints, 31 cases were adjudicated as minor breaches of discipline and referred to the commissioner, and 27 were deemed breaches of discipline and referred to a tribunal.

In several communities there were allegations of incidents of violence against racial minorities and immigrants (see section 5).

Prison and Detention Center Conditions.—While prison conditions generally met international standards, work and sanitation conditions remained poor in some prisons.

Human rights groups continued to condemn the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities, because of understaffing and poor infrastructure.

In most cases the government permits prison visits by domestic and international human rights observers but requires prior appointments for such visits. There were no visits during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The use of special arrest and detention authority continued, primarily for those involved in paramilitary organizations.

Role of the Police and Security Apparatus.—The national police have primary responsibility for internal security but are generally an unarmed force; therefore, the

army, under the effective civilian control of the minister for defense, may act in support of the police when necessary. There were no known problems of police corruption or impunity. The government continued to monitor closely indigenous paramilitary groups active in the country and in Northern Ireland.

Arrest and Detention.—A person may be arrested without a warrant only when the police, with reasonable cause, suspect that an offense has been committed and that the person is guilty of that offense. Suspects brought to the police station must be promptly informed of the charges against them. The law requires that a detainee must be brought before a district court judge as soon as possible to determine bail status until a hearing; the judge decides whether to release the detainee on bail or continue detention until an appointed court date.

The law allows police to arrest and detain for questioning anyone suspected of committing a “scheduled offense”—crimes involving firearms, explosives, or membership in an unlawful organization. As a result the police have broad arrest and detention powers in any case involving firearms. In these cases the initial period of detention without charge is 24 hours at the direction of a police superintendent, which a judge may extend for another 24 hours.

The law permits detention without charge for up to 7 days in cases involving drug trafficking; however, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge’s approval.

Detainees and prisoners are allowed unrestricted access to attorneys. If the detainee does not have an attorney, the court will appoint one; for indigent detainees the government will provide an attorney through the free legal aid program.

There is a functioning bail system, but the law allows a court to refuse bail to a person charged with a serious offense (one that carries a penalty of five years’ imprisonment or more) when it is considered reasonably necessary to prevent the commission of another serious offense.

There were no reports of political detainees.

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

The judicial system consists of district courts, circuit courts, the High Court, the Court of Criminal Appeal, and the Supreme Court. The president appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the government.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The director of public prosecutions (DPP), an independent government official, prosecutes criminal cases. Jury trials usually are used in criminal cases, and the accused may choose an attorney. Indigent defendants have the right to an attorney at public expense. Defendants enjoy a presumption of innocence and have the right to present evidence, to question witnesses, and to appeal.

The law explicitly allows “special courts” to be created when “ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order.” A non-jury “Special Criminal Court” (SCC) tries “scheduled offenses,” and any case the DPP certifies that an ordinary court cannot adequately handle. The SCC always sits as a three-judge panel, and its verdicts are by majority vote. Rules of evidence are generally the same as in regular courts, but the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as *prima facie* evidence. SCC sessions generally are public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech, and the government generally respected this right in practice.

The law provides for freedom of the press with the qualification that it not “undermine public order or morality or the authority of the state.” The constitution prohibits the publication or utterance of “blasphemous, seditious, or indecent matter.”

The independent print media were active and expressed a wide variety of views without government restriction.

Broadcasting remained mostly state controlled, but private sector broadcasting continued to grow. There were 54 independent radio stations and an independent

television station. Access to cable and satellite television lessened the relative influence of state-controlled broadcasting.

The law that empowers the government to prohibit the state-owned radio and television network from broadcasting any matter “likely to promote or incite to crime or which would tend to undermine the authority of the State” was not employed during the year.

The Publication Board did not exercise its authority to censor any books or magazines during the year.

The Office of the Film Censor must classify films and videos before they can be shown or sold and cut or ban any film that is “indecent, obscene, or blasphemous,” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” During the year the film censor did not ban any films but did ban one video, primarily because of its pornographic and violent content.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides generally provides for freedom of assembly, and the government respected this right in practice. The law allows the state to “prevent or control meetings” that are calculated to breach the peace or to be a danger or nuisance to the general public. The government did not employ this authority during the year.

In April seven Dublin police officers accused of using their batons excessively during a Dublin 2002 May Day demonstration were acquitted. During the year police generally restrained their conduct during demonstrations.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. Although approximately 88 percent of the population is Roman Catholic, there is no official state religion.

The government permits but does not require religious instruction in public schools, and parents may exempt their children from such instruction.

Societal Abuses and Discrimination.—During the year there were a series of anti-Semitic attacks. These included repeatedly vandalizing and painting swastikas on synagogues and a Jewish museum. The National Consultative Committee on Racism and Interculturalism, an advisory board to the government, joined with the Jewish Community Watch and the police to monitor the anti-Semitic targeting of property associated with the Jewish community. Government officials publicly condemned the attacks, and in September a judge sentenced a man to 20 months in jail for spray-painting swastikas on 3 Dublin synagogues. A 2002 census estimated that there were 1,790 members of the Jewish community.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. The government also provided temporary protection to individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol and provided it to approximately 75 persons in 2004. In June the government approved an increase of the refugee resettlement quota from approximately 40 persons to 200 persons per year. The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens 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.—Parliamentary elections, considered free and fair, were held in May 2002, and the president was inaugurated for a second seven-year term in November 2004.

There were 23 women in the 166-seat house of representatives and 10 women in the 60-seat senate. The president is a woman, and 3 of the 15 government ministers were women. Three women sat on the 34-member High Court, and 3 of the 8 supreme court judges were female.

There were no members of minorities in the house of representatives, the senate, the government, or the cabinet.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year. For example, an independent investigation of December 2004 allegations of corruption involving a Ministry of Environment, Heritage and Local Government appointment determined that the minister had not behaved improperly.

The law provides for public access to government information and obligates statutory agencies to publish information on their activities and make it available to citizens and noncitizens upon request. The government did not charge prohibitive fees for information requests and provided mechanisms to appeal denials.

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

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

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

The law prohibits discrimination in relation to employment on the basis of eight distinct discriminatory grounds: gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community. However, discrimination against racial minorities, including immigrants and Travellers, remained a problem.

Women.—Domestic violence, including spousal abuse, was a problem. In July the National Crime Council along with the Economic and Social Research Institute reported that 15 percent of women experienced domestic abuse by a partner, including spousal abuse and that 213 thousand women were affected by domestic violence at some point in their lives; 29 percent of these women reported abuse to police while only 7 percent contacted a help line.

The law prohibits domestic violence, authorizes prosecution of a violent family member, and provides victims two types of protection: safety orders and barring orders. Safety orders prohibit a person from engaging in violent actions or threats but do not require the individual to leave the home, while barring orders prohibit a person from entering the family home for up to three years. The law allows claimants to apply for interim protection while cases are processed in court. Violations of these orders are punishable by a fine of \$2,280 (1,900 euros) or 12 years' imprisonment. According to official statistics, in 2004 the courts received 2,611 safety order applications and 3,210 barring applications; in both categories, more than a third of the applications were granted and nearly two-thirds were withdrawn. Of those safety and barring orders granted, more than half were related to the spouse of the applicant.

The government provides for victims of domestic abuse by funding support centers throughout the country.

The law criminalizes rape, including within marriage, and provides for free legal advice to victims of serious sexual assault. The Court Services' *Annual Report* documented a total of 72 rape cases tried in 2004, with most sentences for the 27 persons convicted of rape and other sexual offenses ranging between 5 years and life in prison. At the end of 2004, 89 rape cases were pending.

In rape cases the government brings the case against the accused, with the victim acting as a witness. The law provides for separate legal representation for victims in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the victim about his or her past sexual experience.

In 2004 the Dublin Rape Crisis Center reported receiving 10,944 counseling calls in all categories (child sexual abuse, adult rape, adult sexual assault, sexual harassment), a downward trend in frequency of calls. The center reported that 143 of the 374 rape victims recorded in 2004 reported their attacks to the police, resulting in 13 defendants tried and 9 convicted.

Rape crisis centers, funded in part by the government, provided support by immediate telephone contact and one-on-one counseling. Government programs provided long- and short-term housing options for victims of sexual violence. All police received training on the investigation of cases of domestic violence, rape, and sexual assault.

Although prostitution is not a crime, it is illegal for a person in a street or public place to solicit or importune another person or other persons for the purposes of prostitution. The offense applies equally to a prostitute soliciting a client, a client soliciting a prostitute, or a third party soliciting one on behalf of the other. The same offense and penalties apply to prostitutes, clients, or anyone who solicits in a public place. It is also an offense to solicit or importune another person in order to commit certain sexual offenses, such as sexual offenses with underage persons or to keep or to manage a brothel. Reports of and arrests for prostitution were rare.

There was anecdotal evidence that women were trafficked for sexual exploitation (see section 5, Trafficking).

The law obliges all employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. The Equality Authority investigates claims of unfair dismissal and may require an employer charged with unfair dismissal to reinstate the employee or pay the employee up to 104 weeks' pay. In the few reported cases of sexual harassment, the government effectively enforced the law.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equality Tribunal and the Equality Authority are the main statutory bodies that enforce and administer the discrimination laws. Nonetheless, inequalities persisted regarding pay and promotions in both the public and the private sectors. Women constituted 42 percent of the labor force but were underrepresented in senior management positions.

Children.—The government was strongly committed to children's rights and welfare; it amply funded systems of public education and health care. Education is free and compulsory for children from age 6 to 15. The Department of Education reported that approximately 99 percent of children between the ages of 5 and 16 attended school. Most children completed secondary education.

The government makes available to all children a range of health services, including free immunizations and vaccinations and free prescribed drugs and medications. The government covers all health services for residents below a certain income level.

The law establishes strict guidelines for organizations providing services to children to identify and report cases of physical and sexual child abuse. Numerous nongovernmental organizations (NGOs) offered support for victims as well as resources for parents and professionals who work with children.

In 2004 the Dublin Rape Crisis Center reported that 37 percent of calls to its crisis line involved child sexual abuse. Similarly, the 15 member centers of Rape Crisis Network Ireland provided face-to-face support to 2,289 individuals, 54 percent of whom were children. The law requires government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family if there is an immediate and serious risk to their health or welfare. In July the president signed into law the Commission to Inquire into Child Abuse (Amendment) Act, which streamlines the investigations of sexual and physical abuse in institutions.

The law prohibits the trafficking and sexual exploitation of children; however, there were reports that such practices occurred (see section 5, Trafficking).

An ombudsman for children investigates complaints from children or persons acting on their behalf against various governmental and nongovernmental bodies and has a role in promoting general child welfare.

Trafficking in Persons.—The law prohibits trafficking in persons, but there were reports that persons were trafficked to the country while NGOs and others offered anecdotal reports of trafficking from and within the country.

The law criminalizes trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The law also criminalizes trafficking in illegal immigrants and asylum seekers. No specific legislation addresses trafficking in women for sexual activities; however, laws prohibit the exploitation of prostitutes by means of coercion or fraud. The Police National Immigration Bureau (GNIB) and the Department of Justice are responsible for combating trafficking.

In July the Dublin District Court began the trial of a man charged with trafficking a Mauritius national into the country. The trial remained pending at year's end.

The country might be a destination country on a limited scale for trafficking in women and children. The country may also be a transit point for persons trafficked to or from Northern Ireland. There is anecdotal information that some women were trafficked within the country. Socially disadvantaged non-national women and children were most likely to be trafficking victims.

NGOs reported that women were smuggled or trafficked into the country, primarily for sexual exploitation, and that men may be smuggled or trafficked into the

country for work in the construction industry or agricultural sector. There were no reliable statistics on the number of possible victims of trafficking in the country, but the most credible NGOs reported there were fewer than 15 victims. NGOs also reported that traffickers targeted younger women who were more vulnerable, had little language skill, and no legal status or recourse and placed them in apartments, where activities were easier to hide. NGOs reported that traffickers used the Internet to advertise and solicit victims.

The government trained law enforcement officials on extending protection assistance to potential victims of trafficking. The government funded NGO support for "Return and Reintegration," an initiative to reunite families divided by migration, including by forms of trafficking. Informally, police referred suspected victims of trafficking to NGOs, which provided them with social benefits and access to social and legal counsel.

The ministries of justice and foreign affairs and the GNIB were involved in antitrafficking efforts, and there was coordination between government officials, NGOs, and other elements of civil society on trafficking issues.

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 effectively enforced these provisions. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy.

National/Racial/Ethnic Minorities.—Societal discrimination and racial violence against immigrants and ethnic minorities, such as Asians, East Europeans, and Africans continued to be a problem. Racially motivated incidents involved physical violence, intimidation, graffiti, and verbal slurs; the majority of incidents of racist violence took place in public places.

In July the courts sentenced a man to nine months in jail for a racist attack on a Russian national. Also in July the Central Criminal Court sentenced a British man to five years in jail for manslaughter in a racist attack on a Vietnamese national.

Other incidents included reports of an attack on a Polish man for trying to talk to a local girl, a man setting his dog on an Irish Muslim woman, a verbal assault on a Spanish credit union worker, school children attacking a fellow student from Somalia, and an Indian national attacked for wearing a turban.

There were 81 racially motivated incidents reported from January through June. The Police Racial and Intercultural Office trained police on interacting with those of different racial and ethnic backgrounds. In January the government launched the National Action Plan against Racism to combat racism and discrimination and promote an intercultural society.

Indigenous People.—Approximately 25 thousand indigenous nomadic persons regard themselves as a distinct ethnic group called "Travellers," with its own history, culture, and language. Travellers faced societal discrimination and regularly were denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, would not serve them.

Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Traveller students are not separated in classrooms. Of the estimated 5 thousand Traveller families, approximately 1,200 lived on roadsides or on temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival and were unable to participate in the mainstream economy because of discrimination and a lack of education.

While the law prohibits discriminating against Travellers, the UN Committee on the Elimination of Racial Discrimination (CERD) reported that Travellers suffered from extensive exclusion, deprivation, and discrimination, and that government expenditures of more than \$120 million (euros 100 million) annually for Traveller-specific programs had not produced satisfactory outcomes. Pavee Point, a Traveller community NGO, issued a Shadow Report agreeing with the CERD findings.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their choice, and workers exercised this right in practice. Approximately 33 percent of workers in the private sector were union members, compared with 95 percent in the public sector. Police and military personnel may form associa-

tions, but technically not unions, to represent themselves in matters of pay, working conditions, and general welfare.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. Labor unions have the right to engage in collective bargaining, and unions exercised this right in practice. The law provides for the right to strike, and this right was exercised in both the public and private sectors; however, police and military personnel are prohibited from striking. There are no special laws or exemptions from regular labor laws in the export processing zone at Shannon Airport.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, there were anecdotal reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government implemented laws and policies to protect children from exploitation in the workplace. Under the law, employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The law sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. The Office of the Labor Inspectorate at the Department of Enterprise, Trade and Employment is responsible for enforcement.

There were isolated reports of possible trafficking of children (see section 5).

e. Acceptable Conditions of Work.—The national minimum wage was \$9.24(7.65 euros) per hour, which did not provide a decent standard of living for a worker and family; however, low-income families are entitled to benefits such as subsidized housing, medical coverage, and children’s allowances. The law was effectively enforced by the Department of Enterprise, Trade and Employment.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours per year. The government effectively enforced work hour standards. Although there is no statutory entitlement, premium pay for overtime can be arranged between employer and employee.

The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, which provide adequate and comprehensive coverage; no significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide workers with the right to remove themselves from dangerous work situations that present a “serious, imminent and unavoidable risk” without jeopardy to their continued employment.

ITALY

Italy is a multiparty parliamentary democracy with a population of approximately 57.8 million. National parliamentary elections (which determine who will be president and prime minister), last held in 2001, were considered free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; although there were problems in some areas, the law and judiciary provide effective means of addressing individual instances of abuse. The following human rights problems were reported:

- overcrowded prisons
- lengthy pretrial detention
- excessively long court proceedings
- violence against women
- child abuse
- trafficking in persons
- child labor

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, in May a police officer in Turin shot to death a Senegalese immigrant who refused to exit his vehicle during a drug search. The incident was under investigation at year's end.

In January an appeals court sentenced a police officer to 10 years' imprisonment for the shooting death of a teenager who did not stop when directed to do so in 2000. This ruling re-imposed an earlier penalty that the court of cassation annulled in 2004.

In January the appeals court of Naples sentenced a police officer to 10 years imprisonment for killing a 17-year-old boy who tried to escape police custody in 2000.

In December 2003 the leader of the New Red Brigades (Communist Combatant Party) was charged with the March 2003 murder of a police officer. The trial had not begun by the end of the year. However, in July, in a case involving some of the same suspects, the Rome appeals court sentenced three Red Brigade members to life imprisonment and nine others to lesser sentences for the 1999 killing of an academic advisor (D'Antona) to the labor ministry. In March and June, the Rome court sentenced 5 Red Brigade members to life and one to 16 years' imprisonment for the 2002 murder of another labor ministry academic advisor (Biagi).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police occasionally used excessive force against persons detained in connection with common criminal offenses or in the course of identity checks. While this behavior affected both citizens and foreigners, Roma and immigrants were at particular risk (see section 5).

In 2003 a Nigerian immigrant accused two policemen in Rome of abuse involving burns to his abdomen while in custody; the incident occurred after the immigrant had attempted to escape. The case was still under investigation at the end of the year. In 2004 a prison guard in Lombardy was charged with raping an Albanian immigrant while in custody. The case remained under investigation at the end of the year.

In April the trial began for 29 police officers, including a number of senior officers, charged with perjury, conspiracy, or assault in connection with a 2001 police raid on a building used by protesters at the G-8 summit in Genoa. In July the courts acquitted two police officers accused of conspiring to manufacture evidence during the raid. In October the trial began for 45 police officers who were indicted for "inhuman or degrading treatment," including assault, during the subsequent detention of those protesters. The case remained under investigation at year's end.

The investigation into an off-duty police officer who shot and injured a 16-year-old boy in 2004 was still ongoing at year's end.

In June a trial began for three police officers who were indicted for using excessive force and causing personal injury to a number of individuals while trying to clear approximately 100 activists from a Milan emergency room waiting area in March 2003. It remained ongoing at year's end. Four of the activists were being investigated for violence against police.

Prison and Detention Center Conditions.—Although prison conditions generally met international standards, overcrowded and antiquated prisons continued to be problems. In June there were 59,100 detainees incarcerated in a prison system designed to hold 42,500. Older facilities lacked outdoor or exercise space; some prisons lacked adequate medical care. Approximately 62 percent of the inmates were serving sentences; the other 38 percent consisted mainly of detainees awaiting trial or the outcome of an appeal.

During the year 91 prisoners died while in custody; 51 of those committed suicide.

The 20 temporary detention centers for illegal immigrants continued to be overcrowded. The government sometimes restricted nongovernmental organization (NGO) access to detention centers. For example, in March almost 1,200 illegal immigrants arrived by boat in Lampedusa within 2 days and were initially sent to a detention center equipped to hold 190 persons. The government moved the detainees to other facilities within a few days and then provided NGO access.

Pretrial detainees were not held separately from convicted prisoners.

The government permitted visits by independent human rights organizations, parliamentarians, and the media. Amnesty International (AI), the UN Human Rights Commission, the UN Committee against Torture, and the UN Special Rapporteur on Torture regularly assessed the country's judicial and prison system. Several mu-

municipalities appointed independent ombudsmen to promote the rights of detainees and facilitate access to health care and other services.

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.—Four separate police forces, which report to different ministerial or local authorities, effectively enforced law and order. The national police and the financial police fall under the jurisdiction of the interior and finance ministries, respectively. The Ministry of Defense controls the carabinieri, a military security force; however, the Ministry of Interior assumes control of carabinieri and financial police units when they perform law enforcement functions. Under exceptional circumstances, the government may call on the army to provide security in the form of police duty in certain local areas, thereby freeing the carabinieri and local police to focus on other duties. Allegations of police corruption were rare. In April 12 police officers were charged with corruption, abuse of authority and perjury for their contacts with criminal associations based on information received from wiretaps. The case remained under investigation at year's end.

Both the government and the judiciary investigated abuses and prosecuted police who mistreated persons in custody. In March a trial began for 29 of 31 police officers charged in 2003 with unlawful imprisonment and assault based on evidence of their conduct during protests in Naples in 2001 (see section 1.c.).

Arrest and Detention.—Warrants, issued by a duly authorized official, are required for arrests unless there is a specific and immediate danger to which the police must respond without waiting for a warrant. Within 24 hours of a suspect's detention, the examining magistrate must decide whether there is enough evidence to proceed with an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial, and this right to a prompt judicial determination was respected in practice. Under the law detainees are allowed prompt and regular access to lawyers of their choosing and to family members. The state provides a lawyer to indigents. In exceptional circumstances—usually in cases of organized crime figures—where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to five days to interrogate the accused before the accused is allowed to contact an attorney. There is no provision for bail; however, judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, at a detainee's request, panels of judges (liberty tribunals) review cases of persons awaiting trial on a regular basis and rule whether continued detention is warranted.

In July the president signed into law a new antiterrorism decree that: doubles to 24 hours the amount of time police can hold suspects without charge; makes obligatory arrests for crimes involving terrorism; makes it easier to deport persons suspected of terrorist activities without the involvement of magistrates; allows police to take DNA samples from suspects for identification purposes; makes it easier for intelligence services to conduct wiretaps; requires identification to purchase phone cards and a license to operate an Internet cafe; increases penalties for hiding one's identity in public places, and allows the government to deport suspects under investigation without the involvement of the judiciary (suspects can appeal only after the deportation occurs), and expands the reasons for deportation to include whether a person's presence can in any way facilitate terrorist activities or organizations.

There were no reports of political detainees.

Preventive detention can be imposed only as a last resort if there is clear and convincing evidence of a serious offense (such as crimes involving the Mafia or those related to terrorism, drugs, arms, or subversion) with a maximum sentence of not less than four years or if there is a risk of an offense being repeated or of evidence being falsified. In these cases, a maximum of two years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under age 3, persons over age 70, or those who are seriously ill.

Lengthy pretrial detention was a serious problem. No prisoner can be incarcerated for a longer term than the maximum sentence that could be imposed. The maximum term of pretrial incarceration is 2 years for a crime with a maximum penalty of 6 years, 4 years for a crime with a maximum penalty of 20 years, and 6 years for a crime with a maximum penalty of more than 20 years. During the first half of the year, 36 percent of pretrial detainees were awaiting a final sentence; trials had not begun for another 27 percent of them.

In May the court of cassation increased the amount of financial reimbursement awarded by the appeals court in Genoa to an entrepreneur who was charged in 1993 and spent seven and one-half years in prison before being acquitted by an appeals

court in 2001. According to some judicial experts, a few prosecutors used pretrial detention as pressure to obtain confessions.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision in practice; however, most cases involved long trial delays, and the impact of organized crime on the criminal justice system complicated the judicial process.

There are three levels of courts. Either a single judge or a court hears cases at the level of first instance. At the second level, separate courts with juries hear appeals of civil and criminal cases. Decisions of the court of appeals can be appealed to the highest court, the court of cassation (Supreme Court) in Rome, but only for reasons related to law, not to a case's merit. A separate constitutional court hears cases involving possible conflict between laws and the constitution or involving conflicts over the duties or powers of different units of government.

In July the parliament enacted judicial reform after amending an earlier bill that was rejected by the president for being unconstitutional. The reform: changed the career track of professional magistrates (who previously functioned as both prosecutors and trial/appellate judges) to require that they become either prosecutors or judges and conditioned promotion upon examination; allows district prosecutors to determine the priority of cases; and entitles the court of cassation to discipline magistrates who participate in political activities, leak information to the press and others, or otherwise violate judicial rules of procedure. Magistrates went on strike several times during the year to protest these reforms.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and juries are used. Defendants have access to an attorney in a timely manner to prepare a defense. Defendants can confront and question witnesses against them, and they can present witnesses and evidence on their behalf. Evidence held by prosecutors may be made available to defendants and their attorneys. The law grants defendants the presumption of innocence. Defendants may appeal verdicts to the highest appellate court.

Domestic and European institutions continued to criticize the slow pace of justice in the country. During the year over 800 petitions were pending in the European Court of Human Rights seeking compensation against the government for excessively long proceedings. Observers cited several reasons for delays: the absence of effective limits on the length of pretrial investigations; the large number of minor offenses included in the penal code; unclear and contradictory legal provisions; and insufficient resources, including an inadequate number of judges. In January the chief prosecutor of the cassation court announced that 81 percent of reported crimes went unpunished. In 2004 he reported that the average time to complete a civil trial was eight years and a criminal trial five years.

The courts had significant leeway to determine when the statute of limitations should apply, and defendants often took advantage of the slow pace of justice to delay trials through extensive pleas or appeals (see section 3). In December the parliament approved legislation that reduced the discretionary power of judges to determine the statute of limitations. The new terms are equal to the maximum sentence provided for each crime and cannot be lower than six years; the law does not apply to crimes punished with life sentences and does not affect ongoing judicial cases. The law also increases penalties for Mafia-related crimes, increased sentences by up to one-half for repeat offenders, and allows drug addicts, people aged 70 and over or pregnant women to serve sentences at home. While the legislation will clarify problems related to the statute of limitations, it is not yet clear how it will affect prison overcrowding.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice. Searches and electronic monitoring generally could be carried out only under judicial warrant and in carefully defined circumstances; however, the new antiterrorism decree made it easier for intelligence agencies to obtain permission to conduct wiretaps.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. However, the autonomous judiciary was sensitive to investigative leaks and press criticism and imposed fines for defamation.

During the year the president of a Muslim association filed a defamation suit against the writer Oriana Fallaci for the initially ordered the dismissal of the case,

but subsequently a judge sent the case to trial in Bergamo. A hearing was scheduled for June 2006. The book was on sale throughout the country.

There were approximately 80 newspapers, of which 8 had national readership; the Prime Minister Berlusconi's family controlled 2 of them.

Critics charged that Prime Minister Berlusconi directly or indirectly controlled six of the country's seven national broadcast channels. Although Prime Minister Berlusconi through his Fininvest company sold 17 percent of his shares during the year, he continued to hold a major interest in Mediaset, which owned three channels, and the state-owned network RAI controlled the other three. RAI's three channels and other networks broadcast a wide range of opinion that reflected the full spectrum of political views in the country, but disputes over partisanship on the airwaves continued to prompt frequent political debate.

The NGO Reporters without Borders and the journalists' union criticized several judicial actions directed against journalists. In May a prosecutor ordered financial police to conduct a search in the office of a national newspaper and interrogate some journalists to ascertain the source of an article on arms trafficking. Neither the newspaper nor the prosecutor took further action on the case. Critics noted the contradiction between separate laws maintaining the sanctity of journalistic sources and another law authorizing magistrates to carry out investigations into journalistic sources.

Politicians and their supporters filed several defamation suits during the year. In February President Ciampi granted a pardon to a 77-year-old journalist and senator who had been sentenced to 29 months' imprisonment for defamation. In April a trial began for three journalists from a national newspaper who were accused of defaming the leader of a political party in 2003. In March a judge dismissed charges filed by five magistrates against a journalist who wrote an article about the alleged political use of turncoat witnesses in connection with legal proceedings against former Prime Minister Andreotti. In July Prime Minister Berlusconi filed a libel suit against a British journalist over allegations in a book of criminal activity and political corruption; Berlusconi is seeking \$1.17 million (one million euros) in compensation.

The government generally did not restrict access to the Internet; however, the government could block foreign-based Internet sites if they contravened national laws. The new antiterrorism decree required a license to operate an Internet cafe.

There were no government restrictions on academic freedom.

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

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

There is no state religion; however, an historic agreement between the Roman Catholic Church and the government, revised in 1984, provides the Church certain privileges. For example, the Church may select Catholic religion teachers, whose earnings are paid by the government. The law authorizes the government to enter into relations with non-Catholic religious groups pursuant to an accord (*intese*), on the basis of which the government can provide support (including financial) to the religion; these accords are voluntary, initiated by religious groups, and do not infringe on the practice of religion. The government has signed accords with several minority religious groups. At year's end the Buddhist Union and Jehovah's Witnesses awaited parliamentary ratification of government accords.

Muslim women are free to wear the veil in public offices and schools; however, there were occasional reports of objections by the government or the public to women wearing a burqah (a garment that completely covers the face and body). The new antiterrorism decree (see section 1.d.) doubled existing penalties, from 6 months' imprisonment and a \$600 to \$1,200 (500 to 1000 euros) fine to 1 to 2 years' imprisonment and a \$1,200 to \$2,400 (1,000 to 2,000 euros) fine) for violating an updated 1931 law that prohibits individuals from hiding their identity (by wearing a crash helmet or other garb such as a burqah).

In September the government used the new antiterrorism decree to expel the imam of Turin and the vice president of the Como Muslim Cultural Center from their positions on the grounds that they were preaching hate and violence and recruiting terrorists.

The continuing presence of Catholic symbols, such as crucifixes, in many government offices, courtrooms, and other public buildings has drawn criticism and has been the subject of lawsuits.

Societal Abuses and Discrimination.—The country's approximately 30 thousand Jews maintained synagogues in 21 cities. There were no violent anti-Semitic at-

tacks, but societal prejudices against Judaism continued and swastika graffiti appeared in some cities. The government hosted meetings to increase educational awareness of the Holocaust and to combat anti-Semitism in Europe.

For a more detailed discussion, see the *2005 International Religious Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 2,352 persons during the year.

The government cooperated with the office of UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees, and provided temporary protection to refugees fleeing hostilities or natural disasters. Such refugees were granted temporary residence permits, which must be renewed periodically but did not ensure future permanent residence.

The majority of illegal immigrants were denied entry at the border. Those who did enter, usually via the sea, were sent to temporary detention centers for processing, and a magistrate determined if an illegal immigrant would be deported (for those whose identity can be determined), issued an order to depart (for those whose identity has not been determined), or accepted for asylum processing. Some NGOs were at times denied entry to the detention facilities to check on asylum processing.

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

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

Elections and Political Participation.—Executive authority is vested in the Council of Ministers, headed by the president of the council (the prime minister). The head of state (president of the republic) nominates the prime minister after consulting with the leaders of all political forces in parliament. National parliamentary elections (which determine who will be president and prime minister) last held in 2001 were considered free and fair.

There were numerous political parties that functioned without government restrictions.

There were 25 women in the 315-seat senate and 63 women in the 630-seat chamber of deputies, and women held 2 of 25 cabinet positions. For the first time, the Ministry of Foreign Affairs promoted two women to the rank of senior ambassador (of 20 actively serving at this rank).

The only legally defined minorities are linguistic—the French-speaking Valdostani and the German-speaking Altoatesini/Suditirolese. During the year there were 6 members of linguistic minorities in the 315-seat senate and 5 in the 630-seat chamber of deputies. In a largely monolithic society, immigrants represented approximately 4 percent of the population, and less than half of these qualified as ethnic/racial minorities. There were no members of the new immigrant groups in the senate, chamber of deputies, or the cabinet.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year, and the general public believed that politicians were corrupt. According to press reporting, between November 2003 and November 2004 a special court dealing with financial issues issued 154 summonses in response to complaints from private citizens and public officials regarding allegations of bribery or graft in public administration. There was no information on the number of cases referred to a prosecutor for further action.

In July prosecutors sent 148 people to trial for involvement in a 1999 scheme to avoid military service by bribing officials. The trial had not concluded by the end of the year.

The Independent Task Force on Corruption began work in October 2004. It had collected 50 citizen complaints on various corruption charges and began an investigation into the way professors are hired at state universities at year's end.

Defendants often took advantage of the slow pace of justice to delay trials through extensive pleas or appeals. In one high-level case in May, the courts dropped a bribery charge filed against Prime Minister Berlusconi which related to events in the early 1990s surrounding the purchase of a large publishing house; the court ruled the statute of limitations had expired. In October a court in Milan acquitted Prime Minister Berlusconi of charges that one of his companies (Fininvest) engaged in falsified accounting between 1989 and 1995; the court ruled that the case exceeded the statute of limitations. In December Prime Minister Berlusconi's former lawyer and ex-Minister of Defense was convicted of corruption and sentenced to five years' imprisonment by an appeals court in a case that involved a judge and the holding company of the prime minister; he is appealing the decision to the court of cassation. In 2001 the Berlusconi government passed a law shortening the statute of limitations for this kind of crime.

The law provides citizens with the right to access government documents and be informed of administrative processes. With some exceptions for security issues, the government and local authorities respected this right in practice.

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

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

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

The law prohibits discrimination on the basis of race, gender (except with regard to hazardous work), ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social status, and the government generally enforced these prohibitions. However, societal discrimination and violence against women, persons with disabilities, minorities, and Roma persisted.

Women.—Violence against women, including spousal abuse, remained a problem. The NGO Telefono Rosa, which provides a hotline through which abused women may obtain legal, medical, and other assistance, reported that 13 percent of the calls it received involved sexual violence, 37 percent involved physical violence in the home, and more than 31 percent of the calls involved psychological violence. Telefono Rosa reported receiving an average of six hundred calls per month. In 2004 the chief prosecutor of the cassation court reported that complaints of sexual violence and exploitation of women increased by 48 percent compared to 2003. Some of this increase was credited to the success of new public awareness campaigns that encouraged greater reporting of these crimes.

Legislation protects women from physical abuse, including by family members, allows for the prosecution of perpetrators of violence against women, and shields women who have been victims of attack from publicity. Law enforcement and judicial authorities were not reluctant to prosecute perpetrators of violence against women, but victims sometimes did not press charges due to fear, shame, or ignorance of the law. According to Telefono Rosa, approximately three out of four women who experienced violence declined to report it to the authorities, and one in five who did report it later withdrew their complaint.

Rape, including spousal rape, is illegal, and the government enforced the law effectively. In 2003 4,526 cases of rape were reported, 3,522 persons were charged, and 1,478 were convicted.

Individual acts of prostitution in private residences are legal. It is legal for adults to solicit or pay money for acts of prostitution. It is illegal to operate a brothel, traffic in human beings, or engage in sex with a minor.

Trafficking of women for sexual exploitation remained a problem (see section 5, Trafficking).

Under the law citizens and noncitizen permanent residents who engaged in sex tourism, even abroad, could be tried and convicted in domestic courts, even if the offense is not a crime in the country in which it occurred. The country also has what is considered a model code of conduct for tourism agencies to help combat sex tourism. In 2003 two individuals were sent to trial for sex tourism; the trials had not concluded by the year's end. Four persons who were accused of organizing tours to Brazil that included the sexual services of girls ages 12 to 17.

Sexual harassment is illegal, and the government effectively enforced the law. In May the government issued a decree that makes emotional abuse based on gender discrimination a crime, and was designed to combat sexual harassment in the workplace.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system.

According to the European Commission, the gap between salaries for men and women averaged 6 percent. Women were underrepresented in many fields, such as management, entrepreneurial business, and the professions. According to the superior council of the judiciary, 40 percent of magistrates are women, but only 3 percent of chief justices are women.

A number of government offices worked to ensure women's rights. A woman heads the Ministry for Equal Opportunity, and there is an equal opportunity commission in the office of the prime minister. The labor ministry has a similar commission that focuses on women's rights and discrimination in the workplace. Many NGOs, most of which were affiliated with labor unions or political parties, actively and effectively promoted women's rights.

Children.—The government demonstrated a commitment to children's rights and welfare. Schooling is free and compulsory for children from age 7 to age 18; those unable (or unwilling) to follow the academic curriculum may shift to vocational training at age 15. In 2004 the Ministry of Education reported that 83.2 percent of children age 15 to 18 attended secondary school. There was no difference in the treatment and attendance of girls and boys at the primary, secondary, and post-secondary levels. Completion of secondary school was the highest level achieved by most children.

The country provides free state-provided medical care for all citizens.

Child abuse was a problem; in 2004 the NGO Telefono Azzurro received approximately 376 thousand calls related to child abuse. Approximately 5 percent of cases involved sexual abuse, 14 percent physical violence, and 13 percent psychological exploitation. In 59 percent of the cases, the victims were female; 46 percent were ages 10 or younger. In 2004 the chief prosecutor of the cassation court reported that complaints of sexual violence and exploitation of children increased by 28 percent compared to 2003. In the first 6 months of 2004, judicial authorities registered 349 allegations of sexual abuse against minors and accused 392 persons of abuse. Between 2001 and 2003, the government funded 144 projects carried out by NGOs to improve parent-child relations and combat child abuse.

NGOs estimated that 8 to 10 percent of prostitutes were minors. An independent research center estimated that there were between 1,800 and 3,000 minors who worked as street prostitutes, of whom 1,500 to 2,300 were trafficked into the country and forced into prostitution (see section 5, Trafficking).

In 2002 the government created an inter-ministerial committee to coordinate the fight against pedophilia, which is chaired by the Minister of Equal Opportunity. A special unit of the police monitored 27,200 websites in the first half of the year, investigated 769 people for crimes involving child pornography online and arrested 21 of them.

Child labor was a problem (see section 6.d.).

Trafficking in Persons.—The law prohibits trafficking in persons; however, persons were trafficked to, from, and within the country. According to government and NGO sources, approximately two thousand new victims were trafficked to and within the country in 2004. The law provides for sentences of 8 to 20 years' imprisonment for trafficking in persons and for enslavement. For convictions in which the victims were minors destined for prostitution, sentences are increased by one-third to one-half. The law applies special prison conditions to traffickers that are designed to limit criminals' ability to continue their operations from jail. The number of persons investigated for trafficking decreased from 2,231 in 2003 to 1,861 in 2004, but arrests increased from 328 to 341; the number of prosecutions increased from 59 to 120 and convictions from 32 to 77 respectively. The government also cooperated with foreign governments, including Nigeria, Ukraine, Bulgaria, and Moldova, to investigate and prosecute trafficking cases.

In March police broke up three trafficking rings in the northern part of the country and arrested 12 Albanians and a Bulgarian for entrapping Romanian students and using violent coercion to sell them to Albanian gangs for prostitution. The case remained under investigation at year's end.

In June police in Calabria, in cooperation with Bulgarian authorities, arrested 25 Italian and Bulgarian individuals and charged them with trafficking in persons, criminal conspiracy, kidnapping, and sexual assault. The traffickers reportedly trafficked up to 70 persons a week into the country, and then forced them into jobs such as shepherding, factory work, and prostitution. The case remained under investigation at year's end.

In December police arrested a Romanian and accused him of exploiting 9 Romani children, ages 6 to 14, by picking them up in a camp every morning and forcing them to beg on the streets.

The following reported 2004 trafficking investigations remained ongoing at year's end: a Romanian father who was selling his 10-year-old child for sex in the outskirts of Milan; two Albanians, one Egyptian, one Pakistani, and one Italian involved in trafficking women from Eastern European countries for prostitution; six Bulgarian men who accompanied Bulgarian women into the country who gave birth to children and then sold the babies to Italian families for \$13,500 (10 thousand euros) each; 12 persons, including 2 police officers, who were arrested in Sassari and charged with trafficking for prostitution and falsification of documents; and four persons who were accused of organizing tours to Brazil that included the sexual services of girls ages 12 to 17.

According to the government and an NGO, approximately 2 thousand persons were trafficked in 2003; 8 to 10 percent were believed to be underage.

The country was a destination and transit point for trafficked persons. Trafficking in persons for the purpose of sexual exploitation involved immigrants, mostly from Nigeria, North Africa, Eastern Europe, China, and South America. Press reports estimated that more than 85 percent of prostitutes in the country were immigrants, primarily from Nigeria and Eastern Europe.

Victims of trafficking who were sexually exploited faced the attendant health risks resulting from unsafe or unprotected sex. Trafficking victims in the Tuscany region who worked in sweatshops were possibly exposed to dangerous chemicals in the leather industry.

Organized criminal groups were responsible for most trafficking in the country; prostitution rings routinely moved trafficked persons from city to city to avoid arrest.

Victims of trafficking were usually lured to Western Europe with promises of a job, or sold by relatives, friends, or acquaintances. They were then forced into prostitution, laboring in restaurants or sweatshops, or begging in the street. Their traffickers enforced compliance by taking their documents, beating and raping them, or threatening their families.

Government officials generally did not participate in, facilitate, or condone trafficking.

The law provides temporary residence or work permits to persons who seek to escape their exploiters. Victims were encouraged to file complaints, and there are no legal impediments for them to do so. Prostitutes who qualify as official trafficking victims under law receive numerous benefits, including residence, whether or not they filed a complaint. Illegal immigrants in general face deportation if caught. NGOs alleged that the government did not allow enough time between apprehension and deportation of illegal immigrants to screen for trafficking victims.

The government provided legal and medical assistance once a person was identified as having been trafficked. There were shelters and programs for job training. There also were assistance and incentive programs for those willing to return to their home country; in 2003, 47 victims who chose to go home were repatriated. The domestic NGO Social Service International assisted in repatriating unaccompanied immigrant minors.

The law empowers magistrates to seize convicted traffickers' assets to finance legal assistance, vocational training, and other social integration assistance to trafficking victims.

The government, in conjunction with other governments and NGOs, worked to orchestrate awareness campaigns. The law directs the foreign ministry, together with the equal opportunity ministry, to conclude additional antitrafficking agreements with trafficking source countries.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions; however, there was some societal discrimination. Although the law mandates access to buildings for persons with disabilities, mechanical barriers, particularly in public transport, left such persons at a disadvantage. The Ministry of Labor and Welfare was responsible for protecting the rights of persons with disabilities.

In August the carabinieri closed a private health facility for the mentally ill in Reggio Calabria for structural, health and safety violations.

In June the national airline refused to board a disabled person claiming it would cause delays injurious to other passengers.

Of the 500 thousand workers with disabilities registered at public employment centers, only 4.8 percent found work.

National/Racial/Ethnic Minorities.—Police continued to mistreat young immigrants and Roma. An NGO (Opera Nomadi) reported that there were no cases of abuse directed at Roma, but societal discrimination continued to affect government health and education services and citizenship claims.

Public opinion surveys indicated that the prevalence of negative attitudes toward immigrants was increasing, especially among young persons and in the north of the country. Immigrants believed they were discriminated against in employment (see section 6.e.).

There were no accurate statistics on the number of Roma in the country. NGOs estimated that a population of 120 thousand, up to 80 percent of whom could be citizens, was concentrated on the fringes of urban areas in the central and southern parts of the country, living in camps characterized by poor housing, unhygienic sanitary conditions, limited employment prospects, inadequate educational facilities and the absence of a consistent police presence. Faced with limited income and job opportunities, and suffering from harassment, some Roma turned to begging or petty crime, which led to repressive measures by police and some judicial authorities.

The government's Office to Combat Racial and Ethnic Discrimination in the Ministry of Equal Opportunity provided assistance to victims. On its national hotline it received 298 reported incidents of discrimination against ethnic minorities between December 2004 and August. The majority of complaints related to wage and overtime issues and discrimination in public. The office provided assistance in mediating disputes.

Other Societal Abuses and Discrimination.—There was at least one allegation of official discrimination against homosexuals. In June a trial began for a homosexual who claimed that personnel in the ministries of defense and transport had his drivers' license revoked because of his sexual orientation. The trial was ongoing at year's end.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to establish, join, and carry out union activities in the workplace without previous authorization or excessive requirements, and workers exercised these rights in practice. Unions claimed to represent between 35 and 40 percent of the workforce.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of workers to organize and bargain collectively, and workers exercised this right in practice. Approximately 35 percent of the workforce worked under a collective bargaining agreement, but nonunion members working alongside union employees also benefited from the same agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. The law restricts strikes affecting essential public services (such as transport, sanitation, and health), requiring longer advance notification and precluding multiple strikes within days of each other. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5). Police periodically discovered clandestine Chinese immigrants working in factories throughout the country, particularly in Tuscany's large Chinese immigrant community.

d. Prohibition of Child Labor and Minimum Age for Employment.—The government implemented laws and policies designed to generally protect children from exploitation in the workplace; however, child labor was a problem. The law prohibits the employment of children under age 15 (with some limited exceptions), and there are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18 and women under age 21, and these laws generally were effectively enforced in practice. However, the enforcement of minimum age or other child protection laws was difficult in the extensive underground economy. During the year an independent research center estimated that approximately 460 thousand children worked at least occasionally, while 70 thousand children worked for at least 4 hours per day. In 2002 the National Institute of Statistics (ISTAT) reported that approximately 31,500 children—age 11 to 14—worked in agriculture (mostly boys) and urban hotels, coffee bars, and restaurants (mostly girls). This child labor occurred primarily within the family, and mistreatment was not a problem. However, ISTAT stated that mistreatment and exploitation were problems for child labor that occurred outside of families, particularly for children of immigrants.

Illegal immigrant child laborers from northern Africa, the Philippines, Albania, and China continued to enter the country in large numbers. Many minor children

worked alongside the rest of their families to produce scarves, purses, and imitations of various brand name products.

Trafficking in children was a problem (see section 5).

The government, employers' associations, and unions continued their tripartite cooperation on child labor. The Ministry of Labor, working with the police and the carabinieri, is responsible for enforcement of child labor laws, but their efforts generally were ineffective. In the first half of the year, the Ministry of Welfare conducted inspections of 2,311 companies and found 2,276 Italians aged 14–18 and 259 foreigners. The ministry fined companies for violations concerning lack of periodical medical check-ups (600 cases), work-hours and leave (158 cases), and minimum age (84 cases of children under 15 being employed).

e. Acceptable Conditions of Work.—The law does not set minimum wages, but they are set through collective bargaining agreements on a sector-by-sector basis. The minimum wage in most industries did provide a decent standard of living for a worker and family. Judges effectively enforced the wages set through collective bargaining agreements.

The legal workweek is 40 hours. Overtime work may not exceed 2 hours per day or an average of 12 hours per week. Unless limited by a collective bargaining agreement, the law sets maximum permissible overtime hours in industrial sector firms at no more than 80 hours per quarter and 250 hours annually. The minimum number of rest periods required was one day per week and 11 hours per day. Premium pay is required for overtime. These standards were effectively enforced.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. Labor inspectors were from the public health service or from the Ministry of Labor, but they were few in number in view of the scope of their responsibilities. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and the government effectively enforced this right.

KAZAKHSTAN

The Republic of Kazakhstan, with a population of approximately 15 million, has a multiparty parliamentary system dominated by President Nazarbayev's Otan Party. President Nazarbayev was re-elected for a third 7-year term on December 4; observers criticized that election as falling short of a number of international standards. The constitution concentrates power in the presidency, permitting the president to control regional and local governments and to exercise significant influence over the legislature and judiciary, as well as changes or amendments to the constitution require presidential consent. The civilian authorities generally maintained effective control of the security forces, although members of the security forces committed human rights abuses.

The government's human rights record remained poor. Legislation enacted during the year seriously eroded legal protections for human rights and expanded the powers of the executive branch to regulate and control civil society. In particular the extremism law passed in February, election law amendments added in April, and national security amendments enacted in July encroached on political rights, freedom of the press, freedom of religion, and other human rights. The following human rights problems were reported:

- severe limits on citizens' rights to change their government
- instances of military hazing that led to deaths
- abuse and mistreatment of detainees and prisoners
- unhealthy prison conditions
- corruption in law enforcement, the judiciary, and the legal system
- arbitrary arrest and detention, particularly of government opponents
- government infringement of citizens' privacy rights
- selective use of civil and criminal libel cases to punish political opponents
- self-censorship in the media
- harassment of opposition newspapers
- limited freedom of association and assembly
- narrowing of legal protections for freedom of religion
- discrimination and violence against women, including domestic violence
- discrimination against persons with disabilities

- trafficking in persons
- restricted workers' rights, poor workplace safety in heavy industries, and child labor in agricultural areas

The government made significant improvements in combating trafficking in persons and decreasing incidents of hazing and abuse in the military. The Ministry of Justice (MOJ) led an interagency working group on trafficking in persons that drafted a comprehensive set of legislative amendments that was pending full parliamentary and presidential approval at year's end. The Ministry of Defense, in cooperation with international partners, initiated a series of reforms to its non-commissioned officer (NCO) system that resulted in an increase in professional responsibility and training for NCOs, who now earn their rank by merit in areas including protection of the rights of the conscripts in their command.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed any politically motivated killings, although a few conscripts died as a result of military hazing and mistreatment.

Military hazing was a serious problem that not only led to deaths as a result of mistreatment but also resulted in a few conscripts committing suicide (see section 1.c.). The government investigated allegations of conscript hazing and prosecuted soldiers who engaged in this abuse.

The government took steps to address the patterns that contributed to soldier abuse through its reform of the NCO corps and transition towards an all-volunteer military. Previously, non-commissioned ranks were bestowed upon soldiers based upon seniority rather than merit. Reforms placed additional responsibility on NCOs, who are expected to identify and to prevent abuse of conscripts, and provided for additional NCO training, including human rights awareness. Currently, 70 percent of enlisted soldiers were volunteers, compared with 10 percent in 2000.

On April 9, conscript Samat Kapezov received hazing injuries that led to his death. At year's end authorities were investigating reports that an older conscript, Abylair Ospanov, was directly responsible for the abuse, and that the unit's command was culpable for inattention to this abuse.

The chief military procurator's office registered 164 incidents of hazing and 26 suicides within the military during the year. In comparison the government reported close to 100 suicides among conscripts in 2003.

On May 5, a Pavlodar military court convicted a soldier of hazing and sentenced him to two years in jail. The unnamed soldier had engaged in systemic abuse of other conscripts in his detachment that led to the November 2004 suicide of fellow conscript Madiyar Argyzbekov. Senior members of the detachment received minor disciplinary penalties for failure to prevent or to detect this hazing.

In August 2004 eight soldiers were convicted of causing the February 2004 hazing-related suicide of conscript Yebolat Brimzhanov. One soldier was sentenced to a year in prison; the other seven received sentences ranging from 5 to 10 years in prison.

In September 2003 an older fellow soldier was convicted and received 10 years imprisonment in the 2003 hazing case of Daniyar Nagaybayev.

On November 12, former government official Zaman Nurkadilov died in his home as the result of three gunshot wounds. The official government investigation determined the cause of death to be suicide. Several opposition leaders and family members questioned the official conclusion and criticized the authorities for not investigating thoroughly.

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 police and prison officials at times tortured, beat, and otherwise abused detainees, often to obtain confessions. In its Human Rights Commission's annual report, the government acknowledged that torture and other illegal methods of investigation were still used by some law enforcement officers. Human rights and international legal observers noted investigative and procuratorial practices that overemphasized a defendant's confession of guilt over collecting other types of evidence in building a criminal case against a defendant.

The government reported authorities filed 47 criminal cases against law enforcement officers for physical abuse during the year. 11 detainee deaths, including 6 suicides, were registered during the year at 222 pretrial detention facilities. The ombudsman's office reported 169 citizen complaints during the first half of the year, a substantial number of which were allegations of abuse by law enforcement.

On January 10, Mangistau police arrested Nurzhan Zheksemaliev and Zhenisbek Rakhmamedov on theft charges. Human rights observers received reports that the young men were beaten during interrogation.

In July, two policemen in Petropavlosk received four-year suspended prison sentences for the September 2004 beating of Viktor Deviatkin. Police came to Deviatkin's house seeking Deviatkin's son, who was not at home. When Deviatkin refused to admit the officers, the police broke in, dragged Deviatkin out of the house, and took him to the police station, where he was beaten for hours before he was released.

In July the media reported the case of Kazbek Ramazanov, a teacher arrested in 2000 for suspected murder in the disappearance of his mentally disabled female student. While in police custody, Ramazanov confessed under torture to the killing. The missing student was eventually discovered alive, and Ramazanov was exonerated. Ramazanov filed a complaint against his abusers, who were convicted during the year.

No charges had been brought by year's end and none were expected in the 2003 case of a district deputy procurator and two other men who brutally beat a 14-year-old girl at a cafe. According to the victim's parents, the district deputy procurator exerted pressure on witnesses in the case, discouraging them from testifying.

There were unconfirmed reports that some women detained by law enforcement officers were subjected to coercive sexual advances or rape.

A few army personnel continued to subject conscripts to physical and verbal abuse, despite NCO corps reforms that addressed patterns that led to conscript hazing. There were reports of hazing-related deaths and suicide that in some cases led to investigations and eventual convictions of service members (see section 1.a.). In addition to implementing new human rights training and responsibilities for NCOs, the government continued a training program for military personnel at all levels on social and legal issues, which included mandatory anti-hazing training.

Prison and Detention Center Conditions.—Prison conditions remained harsh and facilities did not meet international health standards. Mistreatment occurred in pre-trial detention facilities and in prisons. The government took some steps to address systemic patterns that encouraged prisoner abuse; however, no prison officials were prosecuted for abuses during the year. In December 2004 a system of penitentiary-oversight commissions to review human rights conditions was established by statute; these panels were registered as independent nongovernmental organizations (NGOs). The commissions included experts from within the government and from NGOs and academia. Working with outside experts, the government introduced a network of prison psychologists to assist prisoners and prison personnel to reduce stresses contributing to patterns of abuse. In addition a Council for Public Oversight, established in March 2004, conducted internal investigations on abuse allegations and reported directly to the minister of justice. NGOs and international observers reported that incidents of abuse declined following the mid-year return to the MOJ of several well-regarded administrators involved in earlier successful penal reform efforts. The government also brought in new MOJ leadership with a mandate to enact reforms to bring the penal system up to internationally recognized standards. Although the government made some efforts to upgrade and build new facilities, buildings at many prisons remained outdated and hygiene conditions were substandard.

The government conducted 18 criminal investigations of penitentiary officials for corruption crimes and forwarded 13 cases to courts, of which 5 cases resulted in 6 convictions.

In January human rights defenders and opposition party DCK reported authorities at Shiderty settlement prison colony arbitrarily punished Galymzhan Zhakiyanov and denied him necessary medical treatment.

The government reported 43 inmate suicides during the year. Incidents of self-mutilation by inmates to protest prison conditions continued. In general, the government did not take action in response to self-inflicted injuries by prisoners.

Although the Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) and international organizations regularly visited men's, women's, and juveniles' facilities during the year, they reported that their requests to visit were sometimes denied without clearly articulated reasons, a complaint echoed by other human rights observers and journalists, especially regarding politically sensitive cases. In one case, settlement colony officials refused to permit a prisoner to meet with a foreign diplomat, in contravention of the law. Local human rights NGOs reported that authorities generally denied them access to pretrial detention facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but they remained problems.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs (MVD) supervises the national police force, which has primary responsibility for internal security. The financial police have administrative and criminal investigative powers. The MVD and Financial Police Agency report to the prime minister. The Committee for National Security (KNB) plays a law enforcement role in border security, internal security, and antiterrorism efforts, and oversees the external intelligence service, Barlau. The chairman of the KNB reports directly to the president.

According to corruption surveys, public perception of police effectiveness was low, and corruption among law enforcement officers was high. Police were poorly paid and widely believed to be corrupt. The government received 2,196 allegations of corruption and abuse during the year through hot lines set up by the MVD to receive complaints about police. Of these, 1,092 incidents were investigated, and the MVD confirmed 976 violations. As a result of investigations, 497 policemen were fired and 890 received disciplinary action (see section 3).

Representatives from the MVD, the KNB, the procurator general, and parliament served on a special commission established in August 2004 to investigate complaints against law enforcement agencies (see sections 1.c. and 3). By October 2004 the special commission had investigated 34 complaints and punished officials in 12 cases. The other 22 complaints were determined to be unfounded. Although the ombudsman's office does not keep separate statistics, the ombudsman estimated that nearly half the complaints involved police corruption or abuse.

The MVD also cooperated with NGOs to provide human rights training seminars for police at the local level. Additionally, the government cooperated with international organizations to provide limited law enforcement training aimed at decreasing abuse by emphasizing investigative skill development.

Arrest and Detention.—The law provides that courts or procurators must sanction arrests and detentions, and the government generally respected this provision in practice. Warrants were required for arrest. Procurators have the power to authorize arrest and pretrial detention as well as investigative actions such as searches and seizures. The law allows police to hold a detainee for 72 hours before bringing charges. Human rights observers alleged that authorities often exceeded this limit in practice.

A bail system exists but was not widely used, and many individuals remained in pretrial detention until their trial.

Persons detained, arrested, or accused of committing a crime have the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation; however, police were not required under the law or in practice to inform detainees that they had the right to an attorney. Human rights observers alleged that law enforcement officials either dissuaded detainees from seeing an attorney or gathered evidence through preliminary questioning before the person's attorney arrived and the formal interrogation began. The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or is facing serious criminal charges.

The government arrested and detained a few government opponents and critics, sometimes for minor infractions of the law such as unsanctioned assembly, and selectively prosecuted political opponents (see sections 1.e., 2.a., and 2.b.). However, there were no allegations of prolonged detention for political offenses.

On October 12, authorities arrested opposition activist Tolen Tokhtasynov of For a Just Kazakhstan for organizing an illegal rally, which Tokhtasynov characterized as a meeting of party members. The next day, Tokhtasynov was found guilty and fined \$376 (50 thousand tenge) by an administrative court.

Police reportedly detained foreigners without official charges, sometimes mistreating them.

e. Denial of Fair Public Trial.—The law does not adequately provide for an independent judiciary. The executive branch limited judicial independence. Procurators enjoyed a quasi-judicial role and were permitted to suspend court decisions.

There are three levels in the court system: district, oblast (regional), and the supreme court. District courts are the court of first instance in nearly all criminal cases. Regional courts hear cases involving more serious crimes, including those that carry the death penalty, and may handle cases in rural areas with no local courts. District court decisions may be appealed to the regional courts, and regional court decisions may be appealed to the supreme court. There are also military courts.

The constitutional council rules on election and referendum challenges, interprets the constitution, and determines the constitutionality of laws adopted by parliament. Citizens have no right of direct appeal to the constitutional council.

Corruption was evident at every stage and level of the judicial process. Although judges were among the most highly paid government employees, lawyers and

human rights monitors alleged that judges, procurators, and other officials solicited bribes in exchange for favorable rulings in the majority of criminal cases (see section 3).

The presidentially appointed High Judicial Council recommends nominees for the supreme court to the president, who in turn recommends them to the senate for approval. The council makes recommendations to the president for regional (oblast) level judges, but these appointments are made directly by the president. Lower-level court judges are appointed by the president upon the recommendation of the MOJ and the Qualification Collegium. Judges are appointed for life.

Trial Procedures.—The law allows for trial by jury, but jury trials were not implemented in practice. At year's end a draft law setting up a jury trial system was approved by parliament and awaited presidential approval. Trials were public, except in instances that could compromise state secrets, or to protect the private life or personal family concerns of a citizen. However, there were several reports during the year of journalists being denied access to open court hearings. Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford one. Under the criminal procedure code, defendants must be represented by an attorney when the defendant: is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years' imprisonment. In practice defense attorneys reportedly participated in only half of all criminal cases, in part because the government did not have sufficient funds to pay them. The law also provides defendants the right to be present at their trials, to be heard in court, and to call witnesses for the defense. Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. These rights were generally exercised in practice; however, there were reports of individual cases of infringement. Lack of due process was a problem, particularly in politically motivated trials and in cases where improper political or financial influence was alleged.

The opposition party Democratic Choice of Kazakhstan (DCK) was liquidated by court order following a trial that lacked due process. The court issued a ruling on the merits of the case without resolving an outstanding legal question on jurisdiction. During the hearing, DCK was not allowed to call expert witnesses to testify, more than half of the questions DCK raised during cross examination of prosecution expert witnesses were overruled, and all but one of DCK's motions were denied.

On December 14, the Ekibastuz city court confirmed the recommendation of prison colony authorities that former governor and DCK leader Galymzhan Zhakiyanov be granted conditional early release. On December 21, a special procurator contested the ruling on the grounds that Zhakiyanov had violated prison rules, also noting that the judge had not set any conditions on Zhakiyanov's release. At year's end the court had not ruled on the protest motion. Zhakiyanov, convicted of abuse of power and corruption charges in 2002 following a trial that international observers maintained was politically motivated and lacked due process, was being held in a minimum security settlement colony. Zhakiyanov's supporters claimed that he was subject to heightened scrutiny by settlement colony officials and denied medical attention. Although Zhakiyanov was permitted some visits from family and international human rights observers, the government often refused permission for such visits without legal basis. In contravention of the criminal procedure code, which specifies that there are no limits on visits to settlement colony inmates, colony officials insisted that Zhakiyanov conduct all his meetings inside prison facilities where they could be monitored, and permission from the MOJ was required for visitors to enter the colony. Permission was at times refused to international human rights observers and foreign diplomats.

Military courts had jurisdiction over civilian criminal defendants who were alleged to be connected to military personnel undergoing a criminal trial.

Political Prisoners.—There were no confirmed reports of political prisoners; however, there were reports of individuals imprisoned following politically-motivated criminal prosecutions based on nonpolitical offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government at times infringed on these rights.

The law provides procurators with extensive authority to limit citizens' constitutional rights. The KNB, MVD, financial police, and other agencies, with the concurrence of the procurator general's office, may infringe on the secrecy of private communications and financial records, as well as on the inviolability of the home. Courts may hear an appeal on procurators' decisions, but cannot issue an immediate injunction to cease the infringement. The criminal procedure code allows wiretapping and recording of communications for investigative purposes without a procurator's warrant only in urgent cases; amendments enacted during the year extend

wiretap authority to include monitoring of e-mail and all forms of electronic communication.

Government opponents and their family members continued to report that the government monitored their movements and telephone calls on occasion. Opposition movement For a Just Kazakhstan (FJK) filed suit against the police alleging that on November 29, a police officer illegally videotaped people entering and leaving FJK offices in Almaty. The suit was dismissed on the grounds that the officer had not been acting pursuant to official orders but rather on her own initiative.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the government used a variety of means, including 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 self-censorship. The ability of opposition newspapers to disseminate information worsened as a number of print-runs were seized by authorities prior to distribution and printing houses refused printing services on several occasions. On three occasions, opposition media outlets were denied registration on the basis that the proposed names had been registered previously or were too similar to copyrighted names.

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 provides for the protection of the dignity of the president, and the law prohibits insulting the president and other senior officials. These provisions narrowed the scope of political speech related to the December 4 presidential election, in which Nazarbayev was a candidate for re-election.

The government continued to characterize the distribution of pamphlets by Hizb ut-Tahrir (HT) members as incitement for political and terrorist purposes, beyond the bounds of constitutionally-protected free speech. During the year police arrested 22 people for disseminating HT materials.

International observers considered that the level of media bias surrounding the presidential elections was similar to the strong pro-administration bias surrounding the September 2004 Mazhilis elections. The election law stipulates that media must provide equal coverage of all parties and candidates during the official campaign season.

On several occasions prior to the December 4 presidential elections, law enforcement seized opposition newspapers. Media content bias in favor of the incumbent candidate was widespread; however, state media outlets generally met their legal obligations to provide free airtime to candidates, and the Central Election Commission (CEC) responded to opposition and independent candidate complaints.

According to government statistics, 23 percent of the 2,110 media outlets were government-owned. Many broadcast media considered to be independent, including the larger outlets, were owned by holding companies believed to be controlled by members of the president's family and close circle of friends. There were 1,021 privately owned newspapers and 429 privately owned magazines. Of the 1,325 registered newspapers distributed nationally, the government directly ran one Russian-language newspaper and one Kazakh-language newspaper. Many privately owned newspapers received government subsidies. The government controlled nearly all broadcast transmission facilities. There were 144 television and 40 radio stations. Media observers believed that six of the seven nationwide television broadcasters were wholly or partly owned by the government; one was nominally independent. Regional governments owned several frequencies; independent broadcasters arranged to use the majority of these.

All media were required to register with the Ministry of Culture, Information and Sports, although Web sites were exempted from this requirement. In practice, media outlets known to be associated with opposition political parties or movements were frequently refused registration, although opposition newspapers managed to continue publishing during the year, in a few cases with a significant hiatus.

The law limits the rebroadcast of foreign-produced programming to 20 percent of a station's total airtime. This provision burdened smaller, less-developed regional television stations that lacked resources to develop their own programs, although no media outlets were sanctioned under this provision.

On an August 24 call-in show, President Nazarbayev urged citizens not to read opposition newspapers. Nazarbayev has stated publicly that certain media restrictions were necessary because of the lack of professionalism of the country's press corps.

Harassment of and violence against journalists remained problems. Press advocacy NGO Adil Soz reported 706 incidents of harassment and violence against journalists during the first 11 months of the year.

In April Irina Petrusheva, editor-in-chief of opposition newspaper *Respublika: Delovoye Obozreniye*, was detained on tax evasion charges for two days by Russian authorities pursuant to a warrant issued by the Kazakhstani government. After wide media coverage of the incident, Petrusheva was released after a Moscow procurator determined she was detained improperly.

On August 27, an assistant editor-in-chief of regional independent weekly newspaper *Altyn Gasyr* was beaten seriously by four unknown assailants in a village in Atyrau region. On September 13, four unknown assailants attacked Azamat Dospanov, also affiliated with *Altyn Gasyr*, causing serious head trauma. At year's end, the attackers had not been identified and no charges had been filed in either case.

On September 7, Viktor Rogalev, an employee of the administration of the lower house of parliament, confronted a reporter from independent weekly *Vremya* while she attempted to interview members of parliament (MPs). Rogalev allegedly grabbed the reporter's hand and dragged her to the exit, threatening to withdraw her accreditation.

Independent journalist and human rights advocate Sergey Duvanov resumed work during the year after his August 2004 release on parole from imprisonment relating to an allegedly politically motivated charge (see section 3).

On October 10, Kaziz Toguzbayev of opposition weekly *Azat* was arrested while covering a conference of the opposition movement People's Party Alga; he was sentenced to five days' detention for participating in an unauthorized march. He was denied visitors.

On October 19, Saya Issa of *Svoboda Slova*, Olesya Gassanova and Almas Nurdos of *Stan.kz*, Ruslan Sapabekov of *Zhuma-Times*, and Eldess Myrzakhmetov of *Soz-Respublika* were arrested in Almaty on the same day that print runs of *Svoboda Slova* were seized by authorities. During their brief detention, they were denied access to legal representation.

On November 6, unknown assailants vandalized the office of *Region Plus* newspaper in Kapchagay. The paper's staff believed the attack to be a response to its reporting. The incident was under investigation at year's end.

During the September 2004 Mazhilis elections, members of a local election commission assaulted newspaper correspondents Tamara Sukhomlinova and Gulzhanat Isabayeva. Sukhomlinova was questioned by police in March pursuant to a complaint filed on the reporters' behalf in September 2004, but she reported no resolution to the case by year's end.

In December 2004, Kanat Kalzhanov was sentenced to 3½ years in prison for causing the July 2004 death, due to vehicular negligence, of Askhat Sharipzhanov, a correspondent for the opposition online news organization Navigator, who was struck and killed crossing an Almaty street. Journalists, human rights advocates, and opposition figures considered the circumstances of the case suspicious and questioned the law enforcement determination that the death was accidental.

Journalists covering organized crime and corruption reported harassment and intimidation, by both government officials and private actors, directed at them as a result of their reporting.

At year's end no criminal charges had been filed and none were expected related to the August 2004 vandalism of the Taraz independent weekly newspaper, *Yuzhnyy Ekspres*.

The law enables the government to restrict media content under amendments that prohibit undermining state security or advocating class, social, race, national, or religious superiority, or cruelty and violence. Owners, editors, distributors, and journalists may be held civilly and criminally responsible for content, regardless of the source of information, unless it came from an official source. The government used this provision to limit freedom of the press. New legislation prohibits publication of any statement that promotes or glorifies "extremism," a term which international legal experts considered unduly vague.

During the year almost all media outlets willing to criticize the president directly were subjected to intimidation, often in the form of law enforcement actions or civil suits. While these events continued to cast a chilling effect on all media outlets, criticism of government policies continued to be reported during the year.

The state secrets law makes it a criminal offense to release any information about the health, finances, or private life of the president, as well as economic information about the country such as the volumes of national mineral reserves and the amount of government debt owed to foreign creditors. Media outlets generally practiced self-

ensorship regarding information on the president and his family to avoid possible legal problems.

The government continued to confiscate newspapers that reported on a 2003 scandal involving a foreign investigation into possible illicit payments, allegedly from foreign companies to senior government officials, including President Nazarbayev. Local media outlets, when they did report on the case, informally dubbed it "Kazakhgate." On October 21, in a closed trial, the court fined *Zhuma Times: Data Nedelye* for its article "Kazakhgate: History of One Crime."

Criminal libel suits could be initiated by private parties on behalf of the government, and an individual filing such a suit would be able to file a civil suit as well, based upon the same allegations. Officials used the law's restrictive libel and defamation provisions to constrain media outlets from publishing unflattering information. Both the criminal and civil codes contain articles establishing broad libel liability. The fact that owners, editors, distributors, publishing houses, and journalists were held responsible for the content of information conveyed and had the burden of proving its veracity, regardless of its source, promoted self-censorship at each level. At times fines for libel were exorbitant and bankrupted small media outlets.

In February DCK newspaper *Soz* was fined and, in effect, shut down due to a September 2004 article on the KNB. *Soz* later briefly reappeared as an insert to *Respublika* but continued to encounter problems printing even after payment of all damages to the KNB.

On June 13, opposition leader and former minister of information Altynbek Sarsenbaiuly was charged with defaming the Khabar media firm after he claimed it was owned by Dariga Nazarbayeva, daughter of the president and leader of the Asar Party. He was found guilty and fined \$7,518 (one million KZT).

On May 4, the government closed opposition newspaper *Respublika: Delovoye Obozreniye* because the newspaper reprinted an interview with Russian Duma vice speaker Vladimir Zhirinovskiy who expressed his inflammatory views of Kazakhstan. This marked the fifth time that a media outlet operated by this group of editors and reporters had been closed by the government. In July 2004 an Almaty district court ordered weekly newspaper *Assandi Times*, the predecessor of *Respublika: Delovoye Obozreniye*, to pay \$384,615 (50 million KZT) for defaming the presidential administration. The judgment forced the *Assandi Times* into insolvency. The paper later appeared as *Syet'.kz* and *Pyatoye Izmereniye* and was published as *Pravo. Ekonomika. Politika. Kultura.* at year's end.

On October 19, police seized 50 thousand copies of independent newspaper *Svoboda Slova* for "damaging the honor of the president" after the paper printed a critical editorial quoting from the president's press conference with foreign journalists.

On October 27, the president's daughter, MP Dariga Nazarbayeva publicly threatened court action against any reporter or media outlet that slandered her father, their family, or the country's reputation.

In late 2004 Vremya reporter Grigoriy Melnikov was found guilty of defaming Berik Bilyalov, the former head of a regional criminal investigation division, and was fined \$225 (30 thousand KZT). Melnikov had claimed Bilyalov had tried to set him up for arrest in retaliation for negative reporting. Although a Melnikov countersuit against Bilyalov was dismissed, Bilyalov was demoted in rank. A second libel case by Bilyalov against Melnikov was ongoing at year's end. A separate 2004 libel case by another law enforcement officer against Melnikov was dropped by the plaintiff.

The government included revisions to the media law in the July package of national security amendments, including one measure prohibiting foreigners from holding editorial positions in mass media outlets.

The government continued to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. In addition many publishing houses were government-owned. Some journalists alleged that the KNB or tax police threatened publishing houses if they printed opposition media; concern over criminal or civil proceedings influenced publishing houses.

On September 26, private printing company facility Vremya, whose majority shareholder is the independent weekly *Vremya*, cancelled its publishing contracts with seven newspapers—*Epokha*, *Svoboda Slova*, *Zhuma-Times*, *Apta.kz*, *Azat*, *Pravda*, and *Soz* without public explanation. The newspapers' editors claimed Vremya had been pressured to cancel the contracts. Editors of the newspapers reported other printers also refused printing services, although Dair publishing house picked up five of the papers after the editors staged a protest.

On October 20, police surrounded the Dair press and then seized the entire *Zhuma-Times: Data Nedelye* print run. Local media advocacy NGO Adil Soz reported 60 registered cases of impounded opposition newspapers. Observers reported

numerous incidents of print seizures and interruptions to newspaper distribution during October; the police generally instigated the confiscations, although in one incident four armed men in civilian dress held up individuals distributing *Zhuma-Times: Data Nedelye*, *Epokha*, and FJK campaign pamphlets. Also confiscated were print runs of *Pravda*, *Apta.kz*, and *Svoboda Slova*.

The law defines Web sites based in the country as media outlets. During the year the content of Web sites was subject to libel lawsuits and criminal charges. Independent Web media reported that the government periodically blocked clients of the two largest Internet providers, Kaztelecom and Nursat, from direct access to several opposition Web sites, including *Evrasia*, *Navigator*, and *Kub*, although access was still available through anonymous proxy servers.

On October 13, the Kazakh Network Information Center that manages local domain names cancelled *Navi.kz*, due to purported copyright violations, forcing the opposition Web site to change its address to *navikz.net*. On October 14, an Almaty court then banned all usage of *Navigator* and *Navi* as domain names in both the Cyrillic and Roman alphabets; the Web site had originated as *Navigator.kz*. At year's end, the site was operating under *Mizinov.net* on a proxy server.

The government generally did not restrict academic freedom, though academics, like journalists, could not violate certain restrictions, such as criticizing the president and his family.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for limited freedom of assembly; however, there were significant restrictions on this right in practice and police used force to disrupt peaceful demonstrations. The law defines as a threat to national security unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability.

An April amendment to the elections law prohibits any election-related demonstrations from the period following an election until the CEC publishes the results. The February Extremism Law prohibits “extremism” during rallies and demonstrations; “extremism” was ill-defined in the legislation.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. Opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for groups to organize public meetings and demonstrations, and reported that local authorities turned down most applications for demonstrations. Organizers of unsanctioned gatherings, including political party gatherings, frequently were detained briefly and fined (see section 3). Opposition parties at times chose to hold unsanctioned rallies and, as a result, members were penalized.

On January 19, activists from opposition parties Ak Zhol, the Communist Party of Kazakhstan (CPK), and DCK were denied permission by local authorities to hold a rally in Almaty to “support the fight against extremism and terrorism.”

A March request by the Ak Zhol party to hold a freedom of speech rally in Almaty was denied by local authorities for administrative reasons.

In August special forces attempted to block approximately 100 residents of Almaty from marching in an unsanctioned but reportedly peaceful march to the *akim's* (mayor's) office to protest the city's eminent domain seizures of private homes and allegations of insufficient compensation for landowners; police reportedly beat several participants and detained 15 individuals for their participation in the march.

On October 10, Kaziz Toguzbayev of opposition weekly *Azat* was arrested while covering a conference of opposition movement People's Party Alga and sentenced to five days' detention for participation in an unauthorized march (see section 2.a.).

Freedom of Association.—The law provides for limited freedom of association; however, there were significant restrictions on this right in practice. Any public organization set up by citizens, including religious groups, must be registered with the MOJ, and its branches in every region in which the organization conducts activities. Participation in unregistered public organizations may result in administrative or criminal liability, such as fines, dissolution, probation, or imprisonment. The prohibition on unregistered organizations often provided a pretext for authorities to interfere with the activities of organizations. Membership organizations, including religious groups, must have 10 members to register at the local level and must have branches in over half of the regions for national registration. Political parties and labor unions were considered membership organizations but had additional specific registration requirements. The law requires parties to have 50 thousand members, including one thousand in each region, and prohibits parties established on an ethnic, gender, or religious basis (see section 3).

Amendments to the law on political parties put new limitations on political party formation (see section 3). In August the constitutional council found unconstitutional proposed NGO legislation that would have created onerous re-registration and reporting requirements for NGOs and placed limits on foreign funding (see section 4).

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.

During the year organizations were charged a fee to register as new organizations. Many organizations had to hire lawyers or other consultants to expedite registration through the bureaucracy, which increased the registration cost considerably.

Although initial feedback on the simplified registration process introduced in September 2004 was positive, amendments during the year to registration requirements for political, religious, and other legal organizations resulted in increased reports of registration delays and denials for administrative reasons.

On October 4, police raided the office of youth group Kahar on suspicion of antigovernment activities and accepting illicit foreign financing. There were no arrests or property seizures after a three hour search by police.

The February extremism law criminalizes membership in certain prohibited organizations. At year's end, Islamist political organization HT was the only organization banned under this law. Several members of HT were convicted on charges including extremism and terrorism during the year. Although it maintained that it was committed to nonviolence, HT promoted hate and praised acts of terrorism. The party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government called the caliphate.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this in practice; however, local officials attempted on occasion to limit the practice of some nontraditional religions. Higher-level officials or courts often intervened to correct such attempts. In July the government enacted amendments to the religion law that restricted legal protections of religious freedom. The amendments clarified that religious groups are required to register with the government and in the individual regions in which they have congregations. Missionaries must register annually. The population was generally wary of nontraditional religions, particularly in rural areas; however, there were few reports that this resulted in governmental or societal persecution.

The law defines the country as a secular state. The government invited the leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in some state events. Leaders of other faiths have at times also participated in some government events. Religious organizations must register to receive legal status in order to act as a legal entity to buy or rent real property, hire employees, or engage in other legal transactions.

Members of the Council of Churches of Evangelical Christians and Baptists reported that they were harassed by law enforcement for not being registered. The council has a policy of not seeking or accepting registration in former Soviet countries (for religious reasons). During the year, as in previous years, the government did not enforce court orders for congregations affiliated with the council to register or pay fines.

In May a court in Zaisan reportedly fined Baptist leader Igor Isakov \$129.50 (17,478 tenge) for refusing to register his congregation. In late 2004 Aleksei Buka, of Karaganda oblast, was fined \$47.65 (6,433 tenge) for belonging to an unregistered religious group; his case was overturned on appeal in March.

Although the Spiritual Association of Muslims of Kazakhstan (SAMK), a coalition of mosques and clergy, is nominally independent and has no official status, there were reports that the government attempted to coerce independent mosques and Muslim clergy to affiliate with the group. SAMK withdrew a lawsuit against a rival group, the Union of Muslims of Kazakhstan, related to criticism of SAMK's leader, the chief mufti of the country.

Jehovah's Witnesses members were generally able to freely practice their religion without interference; however, they reported isolated problems with local officials. Although local Jehovah's Witnesses groups are formally registered at the national level and in 12 regions, the Jehovah's Witnesses Religious Center has attempted unsuccessfully to register in Atyrau Oblast since 2001. On August 5, the Jehovah's Witnesses Religious Center submitted the latest in a series of registration applications. The application was returned based on an alleged discrepancy between the Russian and Kazakh versions of the group's charter. The center claimed that offi-

cials in Almaty and other localities sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings.

While the group reported that local authorities ceased what it perceived as a pattern of harassing administrative inspections of its commune, the Hare Krishna movement continued to be subject to lawsuits regarding the title to land used by the community. Although two court cases related to this land were resolved favorably early in the year, the Karasai district *akimat*, or mayor's office, filed two new lawsuits in April and May, seeking to nullify the Hare Krishnas' 1999 land purchase and confiscate all 106 acres. Notwithstanding an apparent lack of legal standing on the part of the *akimat*, and the expiration of the three-year statute of limitations for suits over real property transactions, the Hare Krishna community lost two court hearings during the summer. At year's end the supreme court was considering the Hare Krishnas' appeal in the case. The Hare Krishnas believed that the lawsuits regarding their land were motivated by an attempt to expropriate valuable real estate and not by an intent to suppress religious expression.

Observers believed that security officials informally monitored some religious activity, particularly Muslim imams' sermons; however there were no reports that any monitoring manifested in interference or harassment.

Amendments to the religion law mandated annual registration for missionaries. Missionaries must also be sponsored by a registered religious organization. Pursuant to the registration process, missionaries must submit to the MOJ copies of all materials to be used in proselytizing. Foreign missionaries reported an increase in the number of visa refusals during the year.

Societal Abuses and Discrimination.—The Jewish community, estimated at below 1 percent of the population, has synagogues in several larger cities, including Almaty, Astana, and Pavlodar. There were no reports of anti-Semitic acts apart from the distribution of anti-Semitic literature by banned extremist Islamist political organization HT. Rabbis in Almaty reported generally positive relations with other religious communities in the country.

The government made efforts to promote religious tolerance in its ranks. In April 2004 the Ministry of Internal Affairs invited the country's chief rabbi to give seminars to its police officers on sensitivity to religious minorities. Human rights training provided to law enforcement officers by NGOs in cooperation with the government included information on religious rights under the law.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, but there were some regulatory restrictions in practice. Citizens and foreigners in the country for more than five days were required to register with the migration police. Registration in most of the country generally was routine; nonetheless, some foreign citizens reported that local authorities regularly requested bribes before completing registration. Persons who were suspects in criminal investigations were often required to sign statements that they would not leave their place of residence. Individuals were detained routinely for identity checks without suspicion of a criminal offense (see section 1.d.).

Although the government did not require exit visas for temporary travel of citizens, certain instances in which exit from the country could be denied remained, including for travelers subject to pending criminal or civil legal proceedings, unserved prison sentences, or compulsory military duty. Travelers who presented false documentation during the exit process could be denied exit, and travel by active-duty military was controlled. The law on national security requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country.

The law prohibits forced exile, and the government did not employ it.

The law provides for the right to emigrate and the right to repatriate, and the government generally respected these rights in practice. An exception is the law on national security, which prohibits persons who had access to state secrets from taking up permanent residence abroad for five years after leaving government service. A permanent exit visa was required for emigration; obtaining this visa required criminal checks, credit checks, and letters from any dependents expressing no objection to exit visa issuance.

Foreigners were required to obtain prior permission to travel to some border areas with China and cities in close proximity to military installations. The government continued to declare certain areas closed to foreigners due to their proximity to military bases and the space launch center at Baikonur—foreigners could however visit these areas with prior permission from the MVD.

It was government policy to encourage and assist all ethnic Kazakhs living outside the country to return. The government accorded special immigration treatment to ethnic Kazakhs and their families who fled during Stalin's era and wished to return. These returnees were in principle entitled to citizenship and many other privileges. Other persons, including ethnic Kazakhs who were not considered refugees from the Stalin era, had to apply for permission to return. Each region had a quota for returnees; apart from Almaty and the southern regions bordering Uzbekistan, these quotas went unfilled.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. The absence of legislation to fully implement the convention left many aspects of refugee status unclear, such as whether refugees have a right to work. In practice the government usually provided some protection against *refoulement*, the return of persons to a country where they feared persecution. In November, however, nine refugees were forcibly returned to Uzbekistan under circumstances neither the Uzbek nor Kazakhstani governments have publicly clarified, including four with UN High Commissioner for Refugees (UNHCR) asylum seeker documents. The government granted refugee status, but not asylum.

The government generally registered asylum seekers and determined their status, in consultation with the UNHCR. Only the president can grant political asylum, and he did not do so during the year. In some cases, asylum seekers and refugees were allowed to stay in the country while the UNHCR found third countries that would accept them. Although the government did register refugees already present in the country, it did not accept any refugees for resettlement. The government also provided temporary protection to individuals, including some Afghan refugees who may not qualify as refugees under the 1951 convention and the 1967 protocol.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The government usually allowed the UNHCR access to detained foreigners to determine if they qualified for refugee status. The government was generally tolerant in its treatment of local refugee populations, except for a few citizens from former Soviet republics. The government often did not allow refugees without passports or those who had entered the country illegally to register.

The Agency for Migration continued to work with the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, in reviewing refugee claims. Consistent with the Minsk Convention on Migration within the Commonwealth of Independent States, the government did not recognize Chechens as refugees. The government, in cooperation with the UNHCR and Chechen organizations, did grant indefinite but temporary legal resident status to Chechens until they could return home to safe conditions. Even though there was a temporary registration procedure for Chechens, reports persisted that Chechens did not have the same access to registration as others, and often resorted to paying bribes to local officials to obtain registration.

In July the government allowed UNHCR to arrange resettlement to a third country for Lutfullo Shamsuddinov, a human rights observer who fled to the country in May from neighboring Uzbekistan following the violent suppression of protests in Andijon.

In November nine Uzbek citizens who were living in the southern part of the country were forcibly returned to Uzbekistan. Relatives of these men claimed that they had left Uzbekistan fearing persecution for religious affiliation with a particular mosque. Four of them had ongoing applications with UNHCR for determination of refugee status and resettlement. At year's end the families did not have confirmation of the welfare and whereabouts of these men.

The government had an agreement with China not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors remained concerned with the impact of this agreement on Uighurs from China in the country, although there were no reports of Uighurs forcibly returned to China during the year. The government did not consider any asylum claims by Uighurs.

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

The law provides for a democratic government with universal suffrage for those over 18 years of age; in practice the government severely limited the right of citizens to change their government.

The constitution concentrates power in the presidency, granting the president considerable control over the legislature, judiciary, and local government. The president appoints and dismisses most high level government officials, including the prime minister, the cabinet, the procurator general, the KNB chief, and the chairman and

members of the CEC, who oversee presidential and parliamentary elections. The parliament has never failed to confirm a presidential nomination. Modifying or amending the constitution effectively requires the president's consent.

New legislation further weakened the independence of civil institutions.

Elections and Political Participation.—On December 4, the country held its presidential election; although there were improvements, the election fell short of international standards for free and fair elections in many areas.

The Organization for Security and Cooperation in Europe's (OSCE's) preliminary statement noted several areas of improvement over the conduct of the previous presidential election. Five candidates, including the incumbent, one independent, and two from the opposition, were registered for the election. The CEC acted with increased transparency, meeting in open sessions and taking actions to correct voting-process deficiencies noted in prior elections. The first presidential candidate debate was broadcast live to a wide audience, though incumbent Nursultan Nazarbayev did not participate. Notwithstanding widespread media content bias in favor of the incumbent candidate, state media outlets generally met their legal obligations to provide free airtime to candidates, and the CEC responded to opposition and independent candidate complaints of denial of media access. Most lower-level election commission members were adequately trained and equipped to conduct voting; however, opposition parties were underrepresented in the makeup of these commissions.

Despite these improvements, the OSCE determined that the December 4 presidential elections fell short of a number of international standards. The OSCE noted serious limitations on political speech that prohibited certain criticism of the president, and unequal access to the media for opposition and independent candidates. The OSCE also highlighted restrictions on holding outdoor meetings, inadequate venues, and insufficient access to advertising space that restricted candidates' ability to campaign freely; and there were frequent reports of pre-election period opposition campaign events being disrupted by organized protests that at times reportedly escalated to violence. The OSCE preliminary statement noted apparent improvements to the e-voting system since its 2004 introduction, but criticized the lack of a mechanism to verify or to audit election results.

Several legal changes during the year limited the ability of opponents to campaign freely against incumbent Nursultan Nazarbayev.

In April parliament passed election law amendments that restricted freedom of assembly and freedom of association, prohibiting election-related demonstrations and rallies during the period following elections until the CEC publishes election results (see section 2.b.). Another amendment restricts political blocs, which are required to have a coordinating council that operates under a formal written agreement between the parties; the coordinating council is required to keep written minutes of its decisions. July amendments to the political parties law require a minimum attendance of one thousand delegates from every region of the country at a party's founding congress and prohibit political party names that resemble the names of liquidated political parties. The government enforced both provisions during the year—in an attempt by members of disbanded party DCK to register as Alga, DCK!, and at its founding conference as new party Alga.

On August 19, indirect elections were held for 16 Senate seats, which were selected by the vote of local-level legislatures (*maslikhats*). Senator Zauresh Battalova, the last openly-opposition MP, was denied registration to run for re-election on administrative grounds. In September 2004 direct elections were held for all seats in the lower house of parliament. In its assessment, the OSCE elections observer mission determined that although elections reflected improvements over previous parliamentary elections, the process fell short of international standards and a number of aspects of the 2004 new election law were not implemented in an effective and impartial manner. Some domestic monitors found the election violations to be worse than in previous parliamentary elections, citing violations of electoral legislation and abuse of voter lists, multiple voting, vote count problems, and interference of local authorities. However, other domestic groups found that irregularities did not appear to alter election results.

For both the December presidential and 2004 lower house parliamentary elections, international and local elections observers reported that media bias in favor of pro-administration parties was most evident in the largest television networks. The Nazarbayev family reportedly owned either significant or controlling shares in these networks, granting the high percentage of television news coverage to pro-presidential parties. During presidential elections, legal restrictions on criticizing or insulting the dignity of the president prevented other candidates from a full discussion of their opponent's record (see section 2.a.). In several cases, newspapers were fined for violating these provisions during the pre-election period.

The media environment during the pre-election period heavily favored the incumbent candidate, and opposition media were harassed because of their campaign coverage. Print runs of *Svoboda Slova* and *Zhuma Times: Data Nedelye* were seized on several occasions, reportedly by law enforcement (see section 2.a).

In August four district *akims* (roughly equivalent to a county executive level position) were chosen by local, directly-elected legislatures. Previously *akims* at all levels were elected by either the president or a higher level *akim*.

Individuals and registered parties could declare their candidacy and stand for election if they met certain criteria. Candidates for presidency, for example, were required to provide financial statements, submit to a Kazakh-language test, and provide a petition with 85 thousand signatures. Independent candidates could run for office.

Political parties must register members' personal information, including date and place of birth, address, and place of employment. This requirement discouraged many citizens from joining political parties. There were credible allegations that persons entering government service were pressured to join the pro-presidential Otan party.

During the year 11 political parties were registered, including opposition parties Ak Zhol and the CPK. The government denied attempts to register opposition parties Alga and True Ak Zhol. In addition, two blocs were registered for the presidential election: the People's Coalition for Kazakhstan (PCK), which supported Nazarbayev for re-election; and FJK, an opposition bloc including members of Alga, True Ak Zhol, and the CPK.

The government restricted the functioning of the political opposition. In January opposition party DCK was judicially disbanded on the basis of a 2004 statement calling for civil disobedience in protest of the 2004 lower house parliamentary elections; the government characterized that statement as undermining the security of the state and propagating social hatred. The government denied attempts to register opposition parties Alga and True Ak Zhol; however, opposition bloc FJK was registered on August 2.

In separate incidents in Ust Kamenogorsk on April 9 and in Shymkent on May 2, FJK members were physically attacked by unknown assailants during rallies. Opposition leaders alleged that government officials instigated the attacks. The president publicly called for investigations. On August 8, the Shymkent city court issued a one year suspended jail sentence to local resident Arman Dzhumageldiyev for his role in the attacks. At year's end, no other arrests were reported in either incident.

On October 12, authorities arrested and detained Tolen Tokhtasynov of FJK for allegedly organizing an unsanctioned rally (see section 1.d.). Several other leaders of FJK were fined by an Almaty court for their participation in the same rally.

On November 11, four members of FJK leader Tuyakbay's campaign team were detained after showing a film the police had prohibited, saying it defamed the president. Gulzhan Yergaliyeva, Tatyana Chernyak, T. Aletova, and A. Masymkhodjayeva were taken into custody, their video equipment and tapes were seized, and authorities filed administrative charges against them.

There were 2 women in the 39-seat Senate and 8 women in the 77-member lower house of parliament. There were four women in the cabinet—the ministers of justice, education and science, environmental protection, and labor and social protection. Traditional attitudes sometimes hindered women from holding high office or playing active parts in political life (see section 5), although there were no legal restrictions on the participation of women and minorities in politics. There were non-Kazakhs in the senate, and ethnic minorities were represented in the lower house of parliament. There was one non-Kazakh cabinet member and a non-Kazakh deputy prime minister.

Government Corruption and Transparency.—Corruption remained a serious problem; it was especially prevalent among various law enforcement agencies, local government administrations, and the judiciary. The government took some measures to address it and acknowledged pervasive police corruption, reporting that 497 police were fired for corruption during the year (see section 1.d.). Opposition leaders accused the presidential administration of rampant corruption.

The law mandates the government, public associations, officials, and media outlets to provide citizens with information that affects their rights and interests; in practice citizens' requests for information, were not fulfilled in a timely manner.

Although parliament continued to become more open by publishing several draft laws, some parliamentary debates, and occasionally, its voting record, many parliamentary activities remained outside public view. During the year parliamentary discussion of controversial pieces of legislation was closed to the public and the media.

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

A number of domestic and international human rights groups generally operated effectively, with relative freedom to investigate and publish their findings on human rights cases; however, the government restricted certain activities of most domestic and international human rights NGOs. International human rights groups reported that the government continued to control the work of NGOs that worked on sensitive issues, and noted harassment including police visits, arbitrary tax investigations, and surveillance of NGOs offices and personnel.

The KIBHR, the Almaty Helsinki Commission, the Republican Network of Independent Monitors, the Confederation of NGOs, and Adil Soz were the most active local human rights NGOs. Employees of local NGOs often were subjected to government harassment and intimidation. In mid-August the Almaty headquarters of KIBHR was burglarized. KIBHR reported that computers containing financial and client case data were stolen, while newer electronic equipment and other valuables were left. The police opened an investigation into the burglary. At year's end, no arrests had been made and none were expected.

In March authorities launched an investigation of 33 NGOs that received grants from foreign governments; this was done pursuant to a formal request by MP Yerasyly Abylkasimov, who alleged that the NGOs were financing the political opposition. Active investigations continued for several months and hampered the work of some of these NGOs, including those working on democracy issues. Investigators found no evidence of improper political activity by the NGOs.

On August 23, the constitutional council determined that a package of controversial NGO legislation passed by parliament was unconstitutional. The draft had been initiated by several MPs to restrict the activities of both local and international NGOs. On September 12, President Nazarbayev stated that he had "no objection" to the constitutional court's decision, effectively extinguishing the legislation; however, he issued a stern warning against "foreign intervention" through NGOs disrupting national security and bringing instability.

More than in previous years, the government used tax, immigration and other administrative investigations to question international and local NGOs operating in the country on their activities; NGOs perceived these actions as an attempt to intimidate and to restrict their activities in the country. In March a Russian political specialist working for the Almaty office of an international NGO was detained by migration police on dubious immigration charges. Following protests by diplomatic missions, the individual was released and he returned to Russia.

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 as well as with government officials. However, in one case, a Bishkek-based representative of the AFL-CIO Solidarity Center was denied entry at the border despite having a valid visa, following previous working visits to the country. Observers believed that entry was denied based on law enforcement reciprocity with Russia, from which the representative had been expelled after working there for several years.

The Presidential Commission on Human Rights, a 15-member consultative and advisory body that includes members from the public, coordinates government responses to human rights concerns rather than investigating individual complaints from citizens, which are handled by the human rights ombudsman. The commission also monitors fulfillment of international human rights conventions.

The human rights ombudsman investigates complaints by citizens of violations of their rights by state agencies, although the ombudsman is not authorized to investigate complaints concerning the president, parliament, government, constitutional council, procurator general, CEC, or courts. The ombudsman's office also has the authority to appeal to parliament to resolve citizens' complaints, to cooperate with international human rights organizations and NGOs, and to participate in court proceedings where a violation of human rights is at issue.

During the year the ombudsman regularly briefed the press and issued regular reports discussing complaints investigated. The ombudsman received 5,159 complaints during the year; of the 609 cases investigated, the ombudsman's office reported a restoration of rights in 222 cases. Many of the complaints concerned court rulings over which the ombudsman had no jurisdiction. The ombudsman reported that many complaints could not be resolved because the office acted only in an advisory capacity. Some NGOs believed that the ombudsman was influenced by the government and downplayed cases.

On May 23, the National Commission on Issues of Democratization and Civil Society, issued a report analyzing 1,500 complaints of human rights violations and containing human rights recommendations for state agencies. The bulk of the com-

plaints concerned court judgments, law enforcement actions, and violation of citizens' rights during inspections and investigations.

The commission, established in November 2004 by presidential decree, reports directly to the president, with the secretary of the security council as chairman. The commission met regularly to address issues such as decentralization, judicial reforms, civil society development, and increased empowerment of parliament. Leaders of all registered political parties were asked to participate, but opposition party leaders declined. Some NGOs and political parties questioned the need for the commission and proposed instead that existing mechanisms, such as the ombudsman's office, be strengthened and given more independence from the government.

Domestic human rights observers noted that while government human rights investigators did some creditable work, the ombudsman's office and the human rights commission were limited in their ability to stop human rights abuses or punish those who were believed to have perpetrated them. Several human rights figures criticized the proliferation of government commissions that nominally address human rights issues, none of which has independent authority to initiate criminal prosecutions of human rights abuses or corruption.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce this effectively. Violence against women, trafficking in persons, and discrimination against persons with disabilities, homosexuals, and non-ethnic Kazakhs in government were problems.

Women.—Violence against women, including domestic violence, was a problem. There is no specific domestic violence law, but such violence can be addressed under assault and battery provisions of the criminal code. The maximum sentence for spousal assault and battery is 10 years in prison, the same as for any beating.

Police reviewed over 20 thousand domestic violence complaints and opened 1,973 criminal investigations during the year. An additional 10,528 of the complaints resulted in administrative punishment, including fines.

In 2003 the National Commission on Women and Family Affairs reported that 64 percent of women had been victims of violent crime. According to official statistics released during the year, almost half of all women living in rural areas suffered from domestic violence. Law enforcement officials' reluctance to investigate domestic violence was a problem; the same report estimated that police declined to investigate one-third of domestic violence complaints, considering them to be family matters. Police intervened only when they believed that the abuse was life threatening. Police indicated that victims of domestic violence often asked only for officers to talk with their spouses. When victims did decide to press charges for domestic violence or spousal rape, police sometimes tried to persuade them not to pursue a case. When domestic violence cases came to trial, the charge was most often for light battery, for which domestic abusers were sentenced to incarceration at a minimum security labor colony and a minimum of 120 to 180 hours of work. Sentences for more serious cases of battery, including spousal battery, ranged from 3 months' to 3 years' imprisonment; the maximum sentence for aggravated battery was 10 years' imprisonment.

The punishment for rape, including spousal rape, ranges from 3 to 15 years' imprisonment. The government reported that it opened 1,534 criminal rape cases during the year, leading to prosecutions of 1,094 suspects. Under the law, procurators 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 is intended to protect victims from coercion. There were anecdotal reports of police and judicial reluctance to act on rape and spousal rape cases.

Prostitution is not prohibited by law, although forced prostitution, prostitution connected to organized crime, and acts facilitating prostitution, such as operating a brothel or prostitution ring, are illegal. During the year, the government reported 305 criminal cases for prostitution-related crimes. Prostitution was a serious problem. NGOs reported that criminal prostitution rings often included local law enforcement officials.

Trafficking in women remained a problem (see section 5, Trafficking).

Sexual harassment remained a problem. The law prohibits only some forms of sexual harassment, and legal and gender-issue experts regarded the legislation as inadequate to address the problem. There were reports of incidents of harassment, but in no instance was the victim protected under the law nor were there reports of any cases prosecuted.

Women enjoyed the same rights as men, including under family law, property law, and in the judicial system. Traditional cultural practices sometimes limited their

role in society and in owning and managing businesses or property. Women were underrepresented in senior positions in state enterprises and overrepresented in low-paying and some menial jobs. According to government statistics for 2004, women's salaries were averaged 61.8 percent those of men. Women had unrestricted access to higher education.

Children.—The government was committed to children's rights, though budget limitations and other priorities severely limited the government's effectiveness in dealing with child welfare. Multiple government agencies had responsibilities for protecting children's rights. By law, all children can appeal to government agencies for the protection of their rights and interests. After age 14, minors have the right to file petitions related to their interests directly with a court.

Education is mandatory through age 16, or the ninth grade; elementary schooling generally begins at age 6. Primary and secondary education was both free and universal. The law provides for equal access to education by both boys and girls. According to Ministry of Education figures, enrollment for the year was estimated at over 98 percent of school-aged children.

The law provides for access to public education for refugee and illegal migrant children. In some cases, these children were denied access to schools or their parents did not attempt to enroll them out of fear of discovery and deportation.

The law provides for medical care to be provided for all children, irrespective of gender, and care was provided in practice.

There were reports of child abuse, although there was no societal pattern of such abuse. During the year the Ministry of Internal Affairs removed 1,416 children from abusive homes and permanently terminated custody rights of abusive parents in 172 cases.

Child marriage was illegal, and the government enforced the prohibition in practice; the government, NGOs, and human rights observers reported the minimum age requirement was generally observed. The law specifies the minimum age for marriage for men and women to be 18 years. However, the marriage registration agency, upon petition of the couple, their parents, or trustees, can allow a marriage of an individual no younger than 16.

Trafficking in girls was a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

The government has temporary detention shelters for homeless minors until they can be returned to their parents or more permanently placed.

Trafficking in Persons.—The law prohibits trafficking in persons, but it remained a problem. There was no evidence of a pattern of official complicity in trafficking, although corruption amongst law enforcement officials was widespread.

Although no one provision of the law specifically prohibits trafficking in persons, several articles of the criminal code cover several forms of human trafficking. The law criminalizes the recruitment of any person for sexual or other exploitation and also includes all forms of trafficking. Trafficking for exploitation is punishable by a maximum two-year prison term; if a minor is involved, the maximum penalty increases to five years' imprisonment, and if the exploited person is transferred abroad, the maximum penalty is eight years' imprisonment. The purchase or sale of a minor is a crime, punishable by up to 10 years in prison.

Compared with previous years, international experts reported a decrease in the number of cases of citizens being trafficked abroad for sexual or labor exploitation and an increase in labor trafficking into and within the country. Experts believed the economic growth of the country, especially in relation to its neighbors, contributed directly to both trends.

During the year an interagency working group on trafficking in persons met regularly and drafted a comprehensive set of amendments to the criminal and administrative codes to specifically address legislative gaps in the fight against trafficking in persons. Among the provisions were amendments that would facilitate criminal trafficking prosecutions. The amendments were drafted in consultation with NGOs and international organizations. At year's end the amendments were pending parliamentary approval.

Prosecutions for trafficking were rare, despite the fact that the Law Enforcement Coordination Council (under the leadership of the procurator general) provides detailed guidelines to law enforcement and procurators nationwide on how to investigate trafficking and related crimes under particular sections of the criminal code. Despite an increase in investigations, convictions were also rare, due to inadequacies in criminal statutes; to prove a case of trafficking for sexual exploitation, the procurator had to show that the victim was unaware that she would be working as a prostitute. Procurators more effectively used articles of the criminal code such as

those concerning illegal prostitution and kidnapping to charge suspects whose activities may have included trafficking.

The MOJ reported that seven criminal investigations related to trafficking in persons were initiated during the first seven months of the year. In 2004 the government investigated 27 cases; of these, courts prosecuted 14 cases and convicted 12 traffickers. However, only five of the traffickers convicted in 2004 actually served prison time, the rest received suspended sentences. Several arrests and investigations were reported in the press.

The justice ministry coordinated all of the government's antitrafficking activities. During the year the interagency working group led by the justice minister and including the internal affairs minister, KNB chairman, prosecutor general, foreign minister, education minister, and a representative of the Presidential Commission on Women and Family, developed a second biannual National Plan to combat trafficking, covering 2006 to 2008.

The government sought cooperation with authorities in both destination countries where its citizens were trafficked and in source countries of victims brought into the country. Embassies abroad assisted victims of trafficking; in 2004, the Ministry of Foreign Affairs assisted in the repatriation of 36 citizens, up from 24 in 2003.

The country was a source, transit, and destination country for victims of trafficking. Internal trafficking was also a problem. No reliable statistics were available on the number of victims each year, but NGOs estimated there were several thousand. Many NGOs reported an increase in identification of victims over the past year, which may be attributed to greater awareness of the problem. The International Organization for Migration (IOM) estimated that thousands of citizens were trafficked per year, with an increase in the number of foreigners trafficked into the country for labor exploitation. Individuals were trafficked to the United Arab Emirates (UAE), Turkey, Israel, South Korea, Greece, Cyprus, Russia, Syria, and Western Europe. They were trafficked from the Kyrgyz Republic, Uzbekistan, Tajikistan, and South Asia.

Traffickers targeted young women in their teens and 20s for sexual exploitation. According to NGOs, most women were recruited with promises of good jobs or marriage abroad. Travel, employment, and marriage agencies often recruited victims through advertisements promising lucrative jobs abroad. Offers to participate in international beauty contests also were used. Previously trafficked women reportedly recruited new victims personally. Many trafficking victims appeared to be aware or at least to suspect that they were going to work as prostitutes, but did not expect to work in slave-like conditions. Most trafficked persons traveled to their destinations on forged passports obtained abroad, most often from Russia or the Kyrgyz Republic.

Adolescents raised in orphanages, regardless of gender, and residents of rural and economically disadvantaged areas were particularly vulnerable to being trafficked. The country's relative prosperity otherwise served as a factor against citizens being trafficked through seeking employment abroad. During the year an orphanage director in the southern part of the country was caught attempting to traffic teenage girls to the UAE. The highly publicized case remained ongoing at year's end.

Men and women were trafficked to the country for labor exploitation; some evidence also suggested children were trafficked from Uzbekistan for agriculture and domestic labor. Officials often did not discriminate between illegal labor migrants and victims of trafficking (see section 6.c.). There were credible reports of organized criminal trafficking rings bringing construction laborers to Astana. Employers and trafficking accomplices usually held trafficked workers' passports during their stay in the country. Victims reported traffickers used debt bondage, violence, or threats of violence to compel them to work.

NGOs suspected organized crime was probably involved in all forms of trafficking.

There was no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials, including migration and border officials, was widespread and contributed to trafficking. In some instances airport border guards may have taken bribes to facilitate travel of trafficked women. During the year the government investigated two higher-level officials who allegedly aided trafficking rings; however, neither official received a prison sentence. An NGO providing assistance to the victim of a 2004 case in Taraz reported receiving anonymous death threats related to the case from associates of the defendant, who was connected with the local government.

Trafficking victims from other countries were often fined and deported if they entered the country illegally. There are no special legal provisions to treat foreign victims of trafficking differently from illegal migrants, and identification of foreign trafficking victims was less likely in cases of labor trafficking. However, NGOs

working with foreign trafficking victims reported government cooperation in providing administrative support for repatriation of identified trafficking victims.

In November officials in the regions near Shymkent reportedly rounded up hundreds of illegal workers and returned them to Uzbekistan. No trafficking investigations resulted from interviews with the detainees, despite officials' public statements that the Uzbeks were working under slavlike conditions, characteristic of labor trafficking.

The government provided limited material assistance and physical protection to trafficked women who returned to the country in very narrow circumstances. NGOs ran crisis support centers that provided legal and material assistance and counseling, under memoranda of understanding with the government. In some cases the government provided NGOs with reduced rate leases and other support.

The IOM, in conjunction with 19 NGOs across the country, continued an information campaign on the dangers of trafficking and maintained victim hot lines. The MOJ maintained separate national hotlines for trafficking victims to report crimes and to receive information. The government provided special training for law enforcement and other government officials to improve their abilities to recognize, investigate, and prosecute instances of trafficking.

The procurator general's office enforced mandatory licensing for tourist agencies and conducted inspections throughout the year to uncover agencies involved in trafficking.

During the year the government encouraged media to publish and report on antitrafficking efforts. The government continued airing a series of public service announcements (PSAs) provided by international organizations in both Russian and Kazakh. Public and private media were required to air these PSAs.

The education ministry reported that curriculum of all high schools and colleges included trafficking awareness segments. According to the Ministry of Education, most universities had information and analysis centers that dealt with trafficking awareness issues, among other topics.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to healthcare, and in the provision of other state services. However, there were reports that discrimination in those areas was a problem. The law mandates access to buildings for persons with disabilities, though the government did not enforce it.

Mentally ill and mentally handicapped citizens could be committed to state-run institutions, without their consent or judicial review. In practice, however, persons were generally committed at a young age by their families. Institutions were poorly managed and inadequately funded. Orphanages for children with physical and mental disabilities were reported to be overcrowded and unsanitary, with insufficient staff to adequately care for children's needs. National NGO KIBHR observed that the government provided almost no care for persons with mental disabilities due to a lack of funds. In March the ombudsman issued a report on the status of persons with disabilities that stated the government failed to meet international standards and to enforce legislation.

National/Racial/Ethnic Minorities.—The government continued to discriminate in favor of ethnic Kazakhs in senior government employment (see section 3).

Kazakh is the official state language, although organizations and bodies of local self-administration may officially use Russian on an equal basis with Kazakh. Most ethnic Russians believed that Russian should be designated as a second state language. The language law was intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages. In reality the government had insufficient funding available to make Kazakh-language education universal.

Other Societal Abuses and Discrimination.—Although there were no press reports or official statistics on sexual orientation discrimination, there were reports of such discrimination. Representatives of international organizations reported social attitudes towards marginalized groups, including homosexuals, impeded these groups' willingness to come forward and consequently their access to HIV/AIDS programs.

The law prohibits discrimination against persons with HIV and AIDS; however, observers report that cultural stigmas against drug users and other at-risk groups continue to affect general access to information, services, treatment and care.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to organize and form unions freely. In practice the government restricted the exercise of this right, with the result that most workers were not able to join or form trade unions of their choice. The government exercised considerable influence over organized labor and favored state-affiliated unions over independent unions. The largest trade union as-

sociation, the Federation of Trade Unions, successor to formerly state-sponsored Soviet era labor organizations, remains affiliated with the government in practice. At least one-third of the workforce was unionized.

To obtain legal status, a trade union had to apply for registration with the MOJ. The registration procedure followed largely that of other membership organizations (see section 2.b.).

The law prohibits the operation of foreign unions and prohibits the financing of unions by foreign legal entities and citizens, foreign states, and international organizations.

Workers are protected by law against antiunion discrimination, but in practice there were violations of this right. Members of a few trade unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. Union leaders reported that some workers who were ostensibly fired for other reasons were actually fired in retaliation for union activity. There were no court cases filed on this basis during the year.

b. The Right to Organize and Bargain Collectively.—The law protects the rights of unions to conduct their activities without interference. In actuality there were reports of government pressure on labor negotiators in tripartite negotiations. The law permits collective bargaining and collective agreements; unions and associations engaged in collective bargaining in practice. Collective bargaining agreements were allowed as long as they did not reduce protections afforded to workers in individual contracts or under law. Union associations gave widely varying estimates of the percentage of member unions that had negotiated collective bargaining agreements.

Union demands unacceptable to management could be presented to a tripartite commission, composed of the government, employer associations, and labor union representatives. The tripartite commission is responsible for developing and signing annual agreements governing approximately 80 aspects of labor relations. The labor law provides for an individual contract between employers and each employee.

The law provides for the right to strike, but exercising this right is subject to numerous legal limitations; the government maintained a list of enterprises providing essential services where strikes were not permitted. A few unions and individual workers exercised the right to strike during the year, primarily to protest unsafe working conditions and nonpayment of wages and to recover back wages. According to the law, workers may strike only if a labor dispute has not been resolved through existing compulsory arbitration procedures. Striking workers must give a mandatory 15-day advance notice to employers. December 2004 amendments to the labor code removed the explicit right of employers to break a union and fire employees because they had participated in an illegal strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, except at the sentence of the court or in conditions of a state of emergency or martial law, but there were reports that such practices occurred (see section 5).

In August the migration police deported up to 700 citizens of Uzbekistan and Kyrgyzstan who had been doing agricultural labor under what a government official described as “slave-like” conditions (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively implemented the law and policies to protect children from exploitation in the workplace. The minimum age for employment is 16 years; children between 14 and 16 years can only work with parental permission, performing light work that does not interfere with their health or education.

Child labor was used routinely in agricultural areas, especially during harvest season, but abuse of child labor generally was not a problem. The Ministry of Labor is responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MVD is responsible for investigating criminal offenses. In 2004 the Ministry of Labor reported five criminal cases involving child labor in 2004.

Trafficking in children was a problem (see section 5).

e. Acceptable Conditions of Work.—The national monthly minimum wage of \$ 69.17 (9,200 KZT) did not provide a decent standard of living for a worker and family; however, it was common for working class families to have more than one wage earner and most workers earned above minimum wage in urban areas. As of November, the average monthly wage was \$274.40 (36,495 tenge). The monthly minimum wage was slightly above the minimum subsistence wage of \$40.53 (5,390 KZT).

The law stipulates the normal workweek should not exceed 40 hours and limits heavy manual labor or hazardous work to no more than 36 hours a week. The law

requires that overtime not exceed 2 hours in a calendar day or 1 hour a day for heavy manual labor, and requires overtime to be paid at a rate of no less than 1½ times normal wages for hours over the normal workweek. Overtime is prohibited for work in hazardous conditions. The law provides that labor agreements may stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

The Ministry of Labor enforced minimum wages, work hour restrictions, and limits on overtime established under the Labor Law. Ministry labor inspectors conducted random inspections of employers to enforce all laws and regulations under their purview. In spite of these random inspections, labor advocates reported that some employers regularly violated these laws.

The law provides for the right to safe and hygienic working conditions. In reality working and safety conditions in the industrial, agricultural, and construction sectors were often substandard. Workers in factories usually did not have protective clothing, such as goggles and hard hats, and worked in conditions of poor visibility and ventilation.

Management largely ignored regulations concerning occupational health and safety, which were not well enforced by the Ministry of Labor. In August the ministry reported a staff of over 400 inspectors. Although the frequency of inspections remained insufficient to provide fully for occupational health and safety, the number of fines, penalties, and warnings to employers increased. For the first half of the year, the Ministry of Labor reported 1,497 workers injured on the job; 153 of injuries were fatal. The construction industry produced the highest number of occupational casualties, followed by the mining and metallurgy industry. In the first half of the year, 103 workers were injured at construction sites in Astana alone; 12 of these individuals died as a result of their injuries. Starting on July 1, some employers were required to carry mandatory insurance for their employees.

The law requires employers to suspend work that could endanger the life or health of workers and to warn workers about any harmful and dangerous work conditions and about the possibility of any occupational disease. Although the law does not specifically grant the right of workers to remove themselves from situations that endanger their health or safety without jeopardy to their employment, this right was considered to be implied by general legal provisions on worker safety, and workers' inability to refuse to work under unsafe work conditions was not a problem in practice. The chairman of the constitutional council reported 115,234 violations of labor legislation in 2003.

KYRGYZ REPUBLIC

The 1993 constitution defines the Kyrgyz Republic as a democratic republic; the country has a population of approximately 5,092,800. The February–March parliamentary elections were marred by numerous, serious violations, particularly in the pre-election period, which subsequently sparked protests. On March 20 and 21, opposition demonstrators took control of the southern cities of Osh and Jalalabad. On March 24, President Akayev fled the country after opposition demonstrators overran the main government building in Bishkek. Following Akayev's departure, Prime Minister Kurmanbek Bakiyev assumed the interim presidency. Although acting President Bakiyev was the only serious contender, the July 10 presidential election marked tangible progress towards meeting international standards. A new parliamentary election was held on November 27 in two districts; although some violations were reported, the Central Election Commission (CEC) ruled that the violations were not sufficiently serious enough to alter the results. The civilian authorities generally maintained control of the security forces, although some members committed serious human rights abuses.

The March overthrow of the Akayev regime resulted in a considerable improvement in the government's respect for human rights, although problems remained. The following human rights problems were reported during the year:

- security force abuse of persons, particularly detainees
- poor prison conditions
- impunity of security forces
- arbitrary arrest and detention by the Akayev government
- limitations on due process
- restrictions on freedoms of speech, the press, and assembly by the Akayev government

- corruption
- violence against women and children
- trafficking in persons
- discrimination against ethnic minorities
- child labor

The government's human rights record improved considerably following the change in leadership between March and July. Numerous ministry of internal affairs (MVD) officials were dismissed or prosecuted for abuses or misconduct. Harassment of opposition groups and independent media, including honor and dignity lawsuits against newspapers, decreased considerably. After the March 24 revolution the government did not restrict peaceful meetings or demonstrations, although prior notification to local authorities of such activities was still required.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed any arbitrary or unlawful killings; however, unknown persons killed a number of prominent political figures between March and December.

On April 10, well-known stuntman and political figure Usen Kudaibergenov was killed in his home in Bishkek. Kudaibergenov took an active role in organizing "citizen patrols" to stop looting in Bishkek after the March 24 overthrow of the Akayev government. On June 10, parliamentarian Jalgarbek Surabaldiyev was shot and killed in Bishkek. Surabaldiyev was rumored to have ties to organized crime. On September 21, parliamentarian Bayaman Erkinbayev was shot and killed. There were strong allegations that Erkinbayev was a prominent organized crime figure and drug kingpin and that he had been embroiled in a number of ongoing property disputes. Investigations into these deaths were ongoing at year's end.

On October 20, prisoners killed parliamentarian Tynychbek Akmatbayev while he visited a prison colony near Bishkek in connection with his duties as chairman of the parliamentary committee on defense, security, law enforcement and information policy. Akmatbayev was reportedly beaten by prisoners; when he drew his gun in self-defense, prisoners seized the gun and shot him. Prisoners also shot and killed three other officials accompanying Akmatbayev. Akmatbayev was also reportedly linked to organized crime through his brother Ryspek Akmatbayev. Suspects included Aziz Batukayev, an inmate and organized crime boss. An investigation into the deaths continued at year's end.

On December 11, Uzbek border guards shot and seriously wounded a Kyrgyz citizen. According to press reports, the Kyrgyz citizen had just driven his vehicle through the Uzbek border post, where his documents were checked by Uzbek border officials. Shortly after the car pulled away from the border post, a border guard opened fire on the car. An investigation into the incident continued at year's end.

An investigation continued into the October 2004 death of Tashkenbay Moidinov while held in a police station in the Bazarkorgon district of Jalalabad Oblast.

The 2003 killing of 19 Uighur Chinese citizens on a bus remained under investigation, and no arrests had been made by year's end.

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

Officials continued to investigate the November 2004 two-week disappearance of opposition politician Tursunbek Akunov. Akunov claimed he was taken by the MVD and held in a basement before reappearing in a Bishkek hospital. Akunov further alleged that National Security Service (SNB) members were involved in his disappearance.

There were no developments in the 2003 disappearance of mullah Sadykjan Rahmanov, which investigators attributed to the Uzbek National Security Service.

Local human rights advocates reported that there were approximately 12 Kyrgyz citizens serving sentences in Uzbek prisons who were kidnapped from the Kyrgyz Republic by Uzbek security services between 2000 and the present. Most of these individuals had earlier lived and studied religion in Uzbekistan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police and SNB forces employed them. At times police beat detainees and prisoners to extract confessions. Conditions for pretrial detainees remained poor. In September the human rights ombudsman expressed concern over a number of incidents involving abuse of detainees, blaming

the abuse on corruption and a low level of professionalism among jail and police officials.

On August 22, police Special Forces units beat 30 inmates in a pretrial facility in Karakol for up to 5 hours. A human rights nongovernmental organization (NGO) investigation concluded authorities carried out the beating to intimidate certain prisoners who had assumed a leadership role among inmates. Several prisoners sustained bodily injuries. One detainee announced a hunger strike and sutured his mouth to protest the assaults. An official investigation into the incident was ongoing at year's end.

On September 10, three minors in a pretrial facility near Voznesenovka village sewed their mouths shut to protest alleged abuse of other detainees by police special forces.

Also in September human rights activists reported that police beat 15-year-old Sukhrab Rakhmanov while he was in a pretrial facility in Jalalabad. Following complaints by human rights activists, authorities opened an investigation into the incident, but later closed the case after Rakhmanov's mother withdrew abuse charges against police officials. According to Spravedlivost, a human rights NGO in Jalalabad, the abuse charges were withdrawn under pressure from police and prosecutor's office officials. Rakhmanov remained in custody at year's end.

Prison and Detention Center Conditions.—Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care and disease prevention facilities, and lack of heat and other necessities. Penal Reform International reported that both food supplies and medical services provided to inmates improved during the year. Morbidity and mortality rates also declined, particularly those resulting from tuberculosis (TB). Pretrial detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons.

In March an inmate of the Chym-Koprogon hospital died due to negligence (see section 5).

A fellow inmate was convicted for the beating death of Ulugbek Kadirov, who in February 2004 was found dead in his cell in an MVD temporary detention center in the town of Kara-Suu.

The Ministry of Justice (MOJ) and the International Committee of the Red Cross (ICRC) continued to implement a successful nationwide TB program in prisons. As of May 2004, 68 percent of prison inmates reportedly suffered from serious diseases such as TB, hepatitis, HIV infections, and sexually transmitted diseases. During the year the number of prisoners suffering from TB declined from 2,837 to 2,725. The Department Supervising Penal Institutions (DSPI) also reported that timely diagnosis and better treatment reduced TB death rates by almost fifty percent during the first half of the year. Throughout the year the DSPI continued to work with the ICRC and NGOs to improve prison and jail conditions throughout the country, including seminars for prison officials on human rights and hygiene and health care projects.

A series of riots took place at several penitentiary facilities throughout the country between September 1 and November 2. The riots began at the N1 prison colony for minors in Voznesenovka village, where approximately 50 inmates protested poor conditions. Police were called in to quell the demonstration and several detainees were subsequently transferred to other facilities. The riots later spread to the N3 prison colony, a maximum-security prison with approximately two thousand prisoners near Novopokrovka village. Prisoner grievances included poor conditions, the lack of proper medical care, the excessive use of force by correction officers, and the high level of security. Authorities also reported the unrest stemmed in large part from a dispute between criminal gangs inside the prison. Representatives of the DSPI met with the rioters, other prisoners, and prison officers to resolve the prisoners' concerns; however, the riots continued and reached their peak after parliamentarian Tynychbek Akmatbayev and three officials accompanying him were killed during a visit to N31 prison colony near Bishkek on October 20 (see section 1.a.). The riot also resulted in two prisoners' deaths. Following this incident, protests of varying intensity continued at several penitentiary facilities until November 1, when police SWAT units raided prison colony 31 and removed notorious crime boss Aziz Batukayev and other inmates who had coordinated the riots; Batukayev and the other prisoners were transferred to the SNB holding facility in Bishkek. The government reported that three people were killed during the raid. Similar actions to stop the riots happened at other facilities. Also on November 1, the police thwarted a prison break at prison colony #8, which resulted in two prisoner deaths and the injuring of a third. In November the government allocated additional funding to DSPI to improve prison conditions. In December the government began devel-

oping a program to reform the penal system and introduce alternative punitive measures, in order to reduce the number of inmates and improve prison conditions.

Although the government generally permitted domestic and international human rights observers to visit prisons, in August police in Tokmok obstructed an authorized visit of representatives of the ombudsman and an NGO to observe conditions at a pretrial detention center. The ICRC was allowed to visit detainees in MOJ and SNB prisons and pretrial detention centers and was granted access to inmates on death row. DSPI authorities held briefings on penitentiary facilities and organized several visits of journalists to prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, police at times used false charges to arrest persons and solicited bribes in exchange for release.

Role of the Police and Security Apparatus.—Law enforcement responsibilities are divided between the MVD for general crime, the SNB for state-level crime, and the prosecutor's office for both types of crime. Corruption, particularly the payment of bribes to avoid investigation or prosecution, was a major problem at all levels of law enforcement. The government took steps to address corruption in the police force, including public commitments to fight corruption and a government decree, effective as of July, increasing the salary of police officers by 50 percent.

Police impunity remained a problem; however, during the year numerous MVD officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. According to the MVD, during the first 6 months of the year, 13 criminal cases were opened against police officers. Disciplinary actions were taken against 407 MVD employees, 26 employees were fired, and 43 were demoted. The MVD reported that during the first 6 months of the year, 259 complaints were filed for abuse or illegal conduct by police officials.

Arrest and Detention.—The Prosecutor General's Office determines who may be detained, arrested, and prosecuted. An arrest warrant from the prosecutor's office is required to detain an individual, and there were no reports that this provision was abused. The law permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime, and this was generally enforced in practice. The law requires that investigators notify a detainee's family within 12 hours of detention; however, this requirement often was not observed in practice.

Persons arrested or charged with crimes have the right to defense counsel at public expense. By law, defense counsel is permitted to visit the accused immediately upon delivery to a detention facility. In practice the accused at times did not see defense counsel until trial. Human rights groups noted that arrested minors were usually denied lawyers; police often did not notify parents of children who were arrested, and generally neither parents nor lawyers were present during questioning, despite laws to the contrary. Consequently children often were intimidated into signing confessions. The law also authorizes house arrest for certain types of suspects. There were reports that at times law enforcement selectively incarcerated people suspected of minor crimes, while other people suspected of more serious crimes remained at large. There was a functioning bail system.

The government continued to express concern about perceived extremist groups with radical religious or political agendas. During the year security forces detained 103 persons on charges related to extremist Islamist political organization Hizb ut-Tahrir activities and initiated 37 criminal cases, mostly for disseminating leaflets and booklets of an extremist nature. Although HT maintained that it was committed to nonviolence, the party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including in Central Asia, to be replaced with a worldwide Islamic government called the caliphate.

Although HT was banned, police officials publicly stated that membership in the organization itself is not a crime. Rather, HT members charged with crimes were usually accused of possession and distribution of its literature (see section 2.b.).

Since the change of the government in March there were no political detentions.

The prosecutor has the discretion to hold suspects in pretrial detention for as long as one year, after which the prosecutor is required to seek an extension from the parliament or release the suspect. There were no known instances in which the parliament was asked to extend a detention.

On August 13, President Bakiyev signed a law on amnesty, which was being implemented until March 2006.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the executive branch at times interfered with the judiciary. Lawyers and citizens commonly believed that most judges were open to bribes or susceptible to outside pressure, and low salaries remained a mitigating factor.

Cases originate in local courts and can move to appeals courts at the municipal or regional level and finally to the supreme court. There were separate military courts as well as a separate arbitration court system for economic disputes. Civilians may be tried in a military court if one of the codefendants is a member of the military. Military court cases can be appealed to a military appellate court and ultimately to the supreme court.

The constitutional court has responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the constitution, and determining the validity of presidential elections. The constitutional court may not intervene in actions of the supreme court, except in cases related to the constitution. The court has specific authority to determine the constitutionality of NGO activities, political parties, and religious organizations.

Traditional elders' courts consider property and family law matters and low-level crime. Local elders' courts are under the supervision of the prosecutor's office but do not receive close oversight since many are located in remote regions. However, decisions of elders' courts can be appealed to the corresponding regional court.

Trial Procedures.—Prosecutors, rather than judges, direct criminal proceedings. Prosecutors bring cases to court to try them before a judge and two "peoples' assessors." If a court renders a case indeterminate, it is returned to the procurator for further investigation, and suspects may remain under detention.

The judge conducts court hearings in accordance with the law and passes the sentence. A prosecutor participating in a trial is called the state prosecutor—his/her role is to maintain the indictment at all stages of the criminal process. The defendant's attorney defends the rights and interests of the defendant. The defendant may refuse attorney support and defend himself/herself. A criminal case is conducted by one judge; appellate cases—by three judges; and cases brought for supervisory consideration—by the entire supreme court. In the course of court proceedings, prosecutors provide support to charges against the defendant, and the attorney defends the accused. If a court renders a case indeterminate, it is returned to the investigative bodies for further investigation, and suspects may remain under detention.

The law provides for defendants' rights, including the presumption of innocence. In practice, however, such rights were not always respected. The judicial system continued to operate in many cases according to Soviet laws and procedures in which there was no presumption of innocence, and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The law provides for an unlimited number of visits between an attorney and a client. Although official permission for such visits is required, it was usually granted.

The law permits defendants and counsel the right to access all evidence gathered by the prosecutor, attend all proceedings, which were usually public, question witnesses, and present evidence. However, these rights were not always respected in practice. Witnesses have to present their testimony in court; however, under certain circumstances specified in the law, witness testimony given during the investigation can be presented during the trial via audio or video recording without the witness being physically present. Indigent defendants were provided attorneys at public expense.

The law does not provide for juries. Defendants have the right to appeal the court's decision. The law provides for transparency of court proceedings. Generally, trials are open to the public, unless state secrets or the privacy of defendants are involved; however, even in closed proceedings, the verdict is announced publicly.

Military courts and elders' courts follow the same rules and procedures as general courts.

Political Prisoners.—On March 24, after Akayev's overthrow, Kulov was released from jail, where he was serving concurrent 7- and 10-year sentences. On April 6 and 11, the supreme court overturned Felix Kulov's 2001 and 2002 convictions for abuse of power and embezzlement, believed to be politically motivated. He was appointed the acting first vice prime minister in May but resigned from the position for the duration of the presidential election campaign. Following the July 10 presidential election, he was reappointed as the acting first vice prime minister, and on September 1, the parliament approved him as the prime minister.

There were no reports of other political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government at times violated these prohibitions. The law requires general prosecutor approval for wiretaps, home searches, mail interception, and similar acts.

There were unconfirmed reports by citizens active in politics or human rights that their communications were monitored prior to the March revolution. SNB colonel Kelsinbek Akimaliyev was prosecuted on charges of divulging state secrets for a

January 2004 incident in which listening devices were found in the offices of five parliamentary deputies. Akimaliyev was offered amnesty, but he refused the amnesty because he had never pleaded guilty, and thus additional charges of abuse of power, illegal possession of ammunition, and stealing ammunition were pressed against him. The case was forwarded to the Bishkek garrison military court. Akimaliyev claimed the charges were fabricated and in August claimed in a newspaper article that the SNB had made him a scapegoat in the bugging scandal. At year's end the case continued.

Unlike in the previous year, there were no reports of national or Uzbek security services covertly videotaping worshippers at mosques.

The government continued to conduct widespread document checks of some foreigners.

Family law prohibits divorce during pregnancy and while a child is younger than one year of age.

Official harassment of family members of Tynchtyk Duulatov, a member of the political council of the Ar-Namys party, ended after March 24. Tynchtyk Duulatov fled the country in 2003 to avoid prosecution for kidnapping, charges believed to be politically motivated. During the year the MVD continued to investigate the kidnapping charges, but was reportedly also trying to prove that the original charges were politically motivated.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press. Prior to March 24, the Akayev government frequently restricted these rights in practice. After the March 24 change of government, National TV offered airtime to various politicians, lawsuits against independent media decreased, and independent media experienced new, although limited, freedom of operations and news coverage. Nevertheless, by the end of the year there were reports that politicians critical of the Akayev's government were not allowed on National TV.

The MVD reported that during the first half of the year, 37 persons were prosecuted for distribution or possession of HT literature; those arrested typically were charged for distribution of literature inciting ethnic, racial, or religious hatred.

There were approximately 40 to 50 regularly printed newspapers and magazines, 8 of which were state-owned, with varying degrees of independence. Although the state printing house, Uchkun, was the primary newspaper publisher in the country, an independent printing press run by the nongovernmental Media Support Center (MSC) provided a competitive alternative to state-owned printing presses. Approximately 50 television and radio stations operated in the country, with 5 television stations broadcasting nationwide. Two nationwide television stations, Government TV and Radio Company (GTRK) and Mir Interstate TV and Radio Company, which is a Commonwealth of Independent States member-funded regional television station network, were directly influenced by the government. The rest were privately owned.

All media were required to register with the MOJ and receive ministry approval to operate. The media law states that registration should take no longer than one month, but in practice the process often took much longer. Part of the process included background checks on each media outlet's owner and source of financing, including international donor organizations.

Following the March events, the new government initiated a series of far-reaching reforms of government-owned media outlets, including plans to privatize all government-owned newspapers. However, at year's end government newspapers, television, and radio continued to receive subsidies, which allowed the government to influence news coverage and apply financial pressure on independent media by fostering unfair competition for scarce advertising revenue.

Although the GTRK initially was to become a public broadcaster, in November the government announced that it was instead turning its southern branch, then called Osh3000, into a public broadcaster. The new broadcaster, dubbed EITR, started operating in December, although it did not have a separate channel. EITR depended on the GTRK for three hours of its national broadcasting.

In November the government dismissed Azima Abdimaminova, the producer of Zamana Studio of the GTRK, in what seemed a rollback in the reforms that would give more freedom to the journalists of the GTRK. Abdimaminova, who was appointed immediately following the March 24 events, claimed the unofficial reason for her demotion was her reporting on sensitive issues.

Although the government announced the start of the privatization process of state-owned newspapers during the year, the government continued to interfere in newspapers' editorial policies, in one case replacing the editor with a government-appointed individual.

On February 24, the Akayev government revoked the broadcasting license of Radio Azzatyk, the local Radio Liberty/Radio Free Europe affiliate, to silence the station before the elections. The station resumed broadcasting following the change in government.

Foreign media operated freely. The law prohibits foreign ownership of domestic media; however, there was a small degree of foreign ownership of media, through local partners. A number of Russia-based media outlets also operated freely in the country, although they were registered with the MOJ and therefore the government considered them local media.

During the year harassment of journalists decreased, although unknown persons continued to intimidate members of the media. For example in August the Public Association of Journalists reported that Aliyma Sharipova, a journalist with the independent newspaper *Itogi Nedeli* in Osh, was threatened after she wrote an article critical of local municipal officials. Other journalists of *Itogi Nedely* also reportedly received threatening phone calls after the appearance of articles critical of political and business leaders.

Although the law prohibits censorship, a few independent journalists reportedly faced occasional government pressure over critical press coverage or were denied access to public meetings and information freely provided to state-run outlets.

According to the Public Association of Journalists, throughout the year the Naryn province governor's office only invited state-owned media outlets to government meetings. Journalists with independent Almaz-Naryn Radio were frequently denied access to the meetings.

In November Internews reported that National TV took the *Zloe Pero* talk show off the air; National TV's president stated one of the participants' remarks damaged the honor and dignity of the people and, if aired, would invite lawsuits against the station. *Zloe Pero* producers then switched to television station NTS to broadcast the show. In July a similar incident occurred, when National TV cancelled a show in which then prosecutor general, Azimbek Beknazarov, participated.

In November Timur Sharshenaliev, editor of independent NBT television station, reported that during prison riots in Moldovanovka, the military confiscated NBT video camera and tapes.

Libel is a criminal offense. A media NGO reported that the vast majority of "honor and dignity" suits filed against newspapers prior to March 24 had been dropped. However, the same NGO reported that numerous similar suits had since been filed and were still pending in the courts.

Four pending lawsuits filed in 2004 by then ombudsman Tursunbay Bakir-uulu against *Vecherniy Bishkek* and government media outlets, as well as the antimonopoly suit filed by *Vecherniy Bishkek* against the MSC, were dropped following the March revolution.

On February 22, five days before the first round of parliamentary elections, the Akayev government cut off the electricity to the MSC in an attempt to stop the printing of several pro-opposition newspapers. The MSC continued to print using generator power. Electricity was restored on March 15 two days after the elections were completed.

There are no laws regarding Internet media. In July Ulan Melisbek, owner and editor of independent, foreign-based Internet newspaper *Gazeta.kg*, alleged that authorities were blocking access to and hacking the Web site because of articles critical of the new government. In September Melisbek reported his family was being threatened and was forced to seek asylum abroad.

The government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the Akayev government frequently restricted this right in practice. The beginning of the year was marked with many demonstrations by citizens expressing their disagreement with the suppression of democracy and freedom. Demonstrations escalated and resulted in the overthrow of President Akayev's regime on March 24. After the revolution the government did not restrict peaceful meetings or demonstrations.

A 2004 proposed draft law to limit public demonstrations did not go into effect and was accordingly not used to limit opposition activity in this year's elections.

Protests, rallies, and demonstrations occurred regularly in public places throughout the country, including in proximity to government buildings. In most cases demonstrations took place without interference from authorities. However, there were several instances in which security forces forcibly disrupted demonstrations or meetings.

On March 23, the Akayev government used police and unarmed civilians to disrupt a peaceful demonstration in central Bishkek. Police detained at least 20 dem-

onstrators for several hours. Progovernment thugs, bussed to the protest site by the government, beat an unknown number of demonstrators.

On March 24, the Akayev government again used civilians, this time armed with clubs and shields, to attack peaceful demonstrators on Ala-Too square in central Bishkek. A number of demonstrators were injured when a clash broke out between opposition protestors and persons bussed in by the government. Opposition demonstrators pushed back progovernment supporters and overran the main government administration building, including the offices of then president Akayev. President Akayev, who was not in the building at the time, fled the country shortly thereafter.

On April 22, demonstrators demanding the resignation of the chairman of the supreme court seized control of the supreme court building and held it for 40 days; government authorities made no attempt to retake the building. On June 1, a large group of private citizens entered the building by force and ejected the demonstrators. Several persons suffered minor injuries during the incident.

On June 17, law enforcement forcibly prevented the seizure of the main government building and the supreme court by supporters of Urmat Baryktabasov, who was denied registration as a presidential candidate. After approximately 200 antigovernment protestors forcibly entered the building, police ejected them and then used tear gas to disperse the crowd outside of the main government building in central Bishkek. Thirteen demonstrators and police were injured in the demonstration, none seriously.

Freedom of Association.—The law provides for freedom of association. NGOs, labor unions, political parties, and cultural associations all must register with the MOJ; they also must have at least 10 members to register, except for NGOs, which are required to have only 3 members. No domestic NGOs were denied registration by the MOJ during the year, although the MOJ did not reregister the Kyrgyz Human Rights Committee (see section 4). The law prohibits activities of foreign political parties and NGOs, including their representative offices and branches that pursue political goals.

During the year (domestic) foreign-funded NGOs were generally able to pursue their work free from government interference. However, prior to March 24, state-owned and pro-government media frequently published articles critical of some foreign-funded NGOs.

The government continued its ban of four organizations it deemed to be extremist due to alleged ties to international terrorist organizations: HT, Islamic Party of Turkestan, Organization for Freeing Eastern Turkestan, and Eastern Turkestan Islamic Party. Arrests and prosecution of persons accused of possessing and distributing HT literature continued during the year (see section 2.a.).

Most arrests occurred in the south and involved ethnic Uzbeks. Those arrested typically were charged for distribution of literature inciting ethnic, racial, or religious hatred. The MVD reported that during the year 103 persons were detained, and 37 persons were prosecuted for distribution or possession of HT literature.

c. Freedom of Religion.—The law provides for freedom of religion. The government generally respected this right in practice, although there were some restrictions, particularly regarding the activities of Islamic groups that it considered to be extremists and a threat to the country. Islam was the most widely practiced faith.

The State Commission on Religious Affairs (SCRA) is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law all religious organizations, including schools, are required to register with the SCRA, and each congregation is required to register separately. According to the State Agency for Religious Affairs, 46 new religious entities (17 mosques and 29 Christian churches) were registered between August 2004 and June. Although several groups, including the Roman Catholic Church (RCC), had had difficulties registering, almost all, including the RCC, were eventually registered, except for the Hare Krishnas. Representatives of the Hare Krishna Society reported that they still were not registered by the SCRA, despite repeated attempts since 2003. In September the society filed another application for registration and was awaiting a reply at year's end.

Religious organizations are also required to register with the MOJ to obtain status as legal entities to own property, open bank accounts, and otherwise engage in contractual activities. The ministry's registration process was cumbersome, taking a month on average. In practice the ministry did not register religious organizations without prior SCRA registration. According to SCRA regulations, registration is rejected if an organization does not comply with the law or is a "threat to national security, social stability, interethnic and interdenominational harmony, public order, health, or morality." Applicants whose registration is rejected may reapply and ap-

peal the decision in court. Over the past year the SCRA registered several new organizations that had had trouble registering previously. The Church of Jesus Christ reported that the SCRA registered all six affiliates that attempted to register between August 2004 and July. Despite numerous attempts, the registration of the Church of Jesus Christ of Latter-day Saints, however, was not yet approved.

In October the president signed a decree abolishing the SCRA's status as a separate body. The commission was to become an office under the prime minister, a change that had not taken effect by year's end.

The government was concerned about political extremism it believed was disguised as conservative Islam, particularly Wahhabist interpretations (see section 2.b.). In contrast to previous years, however, no incidents of domestic or foreign security services monitoring worshippers at mosques were reported.

Law enforcement authorities, including the MVD and the SNB, often played a role in investigating religious organizations and resolving inter-religious disputes. Representatives of smaller churches, such as the Church of Jesus Christ, complained of government attempts to hamper their activities in the past. During the year the police detained 103 persons for religious activity and opened criminal cases in 37 occasions, mostly for HT related activities (see section 2.a.).

In June both the SCRA and an official with the Jalalabad Oblast Kaziate confirmed that all of the mosques closed in May 2003 by local administration head Asan Erkinbayev in the Karadarya district had been reopened and were functioning normally.

Female students who attended public schools continued to be forbidden from wearing religious headscarves (hijab) while in school.

Societal Abuses and Discrimination.—During the period covered by this report, there were no acts of violence, harassment, or vandalism reported against the Jewish community, its institutions, schools, synagogues or cemeteries. Approximately three thousand Jews lived in the country.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law on internal migration provides for freedom of movement, and the government generally respected the right in practice; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires an official residence registration to work and settle in a particular area of the country. Applicants for residence registration must file a request with the local police and be able to prove that they have a place to live in the area. Local administrations also tied the availability of social services to registration; individuals who did not register could be denied access to subsidized health care or schooling. Authorities detained and fined individuals without residence registration.

The law on external migration prohibits travel abroad of citizens that had access to information classified as state secrets. The delay in issuance of new passports created problems for citizens traveling abroad and within the country.

The law does not provide for or prohibit forced exile, and there were no reports that the government employed it in practice. Following the March overthrow of the Akayev government, the president of the Kyrgyz Committee for Human Rights (KCHR) returned from self-imposed exile abroad.

On July 4, Uzbek border guards arrested a Kyrgyz police officer, Aldayar Satybekov, as he returned home from shopping in Uzbekistan and charged him with illegal border crossing. Satybekov's relatives were not allowed to visit him and alleged that he was detained by the Uzbeks to exchange him for Uzbek refugees who fled to Kyrgyzstan following the May events in Andijon. After four months in custody, he was fined approximately \$350 (470 thousand som) and released.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution.

The government granted refugee status or asylum and cooperated with the office of the UN High Commission on Refugees (UNHCR) and other international humanitarian organizations in assisting refugees and asylum seekers.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol and provided it to approximately 23 persons during the year.

The government's record in protection and asylum issues was mixed. In May the government provided temporary shelter to approximately 500 Uzbek asylum-seekers

fleeing violence in the Uzbek city of Andijon. On June 9, the government forcibly returned four of these asylum seekers to Uzbekistan. Neither the ICRC nor any diplomatic mission had access to these individuals since their repatriation and ensuing imprisonment in Uzbekistan. In July and September the government released 450 of the refugees to the UNHCR for third-country resettlement. At year's end five remaining Uzbek asylum-seekers remained in detention in Osh while their cases were being decided by the Kyrgyz courts. Although the UNHCR determined four of the five asylum-seekers met the criteria for refugee status, authorities refused to recognize this status and surrender them to UNHCR for resettlement in a third country. The government did not allow UNHCR access to one asylum seeker from Uzbekistan to make a decision on his status.

Human Rights Watch, Amnesty International (AI), and other sources reported that Uzbek authorities coerced relatives of the Andijon refugees to travel to refugee camps in Kyrgyzstan to ask them to return. Uzbek security forces were also seen outside camps in the country, and in some cases plainclothes officers infiltrated the refugee population; there were reports that in some instances they attempted to remove persons from a refugee camp by force. According to AI, armed local persons also reportedly entered camps and threatened to force the refugees out if they did not return to Uzbekistan voluntarily.

On December 13, Kyrgyz police arrested Makhambet Abjan, an opposition political activist from Kazakhstan who requested political asylum. Despite human rights groups' protests, on December 23, law enforcement officials extradited Abjan to Kazakhstan at the request of Kazakh authorities.

According to the UNHCR and the Ministry of Foreign Affairs migration services department, authorities provided temporary protection to 314 Chechen asylum seekers. The government did not grant Chechen refugees official refugee status but granted them asylum seeker status if they so qualified, providing them with some legal protection.

According to the UNHCR, Uighurs remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China.

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

While the law provides citizens with the right to change their government peacefully, the government restricted citizens' ability to do so. February–March parliamentary elections were marred by numerous, serious violations, particularly in the pre-election period. After a buildup of protests around the country, opposition demonstrators overran the main government building in Bishkek and, on March 24, President Akayev fled the country. Following Akayev's departure, Prime Minister Kurmanbek Bakiyev assumed the interim presidency and was elected president in the July 10 election; a new parliamentary election was held on November 27 in two districts.

Improvements in the right of citizens to change their government peacefully followed the overthrow of the Akayev government. The new government allowed peaceful protests, and new elections demonstrated improvements over previous elections.

Under the constitution the president has a virtual veto on any legislative act and may dissolve the legislature and dismiss members of the government; the president also has immunity after leaving office. The parliament may override presidential vetoes, which it has occasionally done in the past. Despite constitutional limitations, parliament demonstrated a degree of independence in September by rejecting 6 of 16 candidates nominated for Bakiyev's cabinet.

In April the government established a constitutional council to draft a new constitution. In September President Bakiyev signed a decree expanding the size of the council from 114 to 289 members, a move some members of civil society complained was an attempt to pack the council with Bakiyev supporters.

Elections and Political Participation.—In January 2004 then president Akayev signed a new election code into law. Domestic NGOs and opposition parties largely saw the new election code as a significant improvement over the previous law. The new code incorporated numerous suggestions from the OSCE and NGOs to improve transparency as well as NGO and political party participation in the electoral process. However, the OSCE determined it did not meet international standards due to vague provisions that could be used to restrict candidates, media, and party rights. The code prohibits publishing the results of public opinion polls, forecasts of election results, or other such research materials, in the mass media. As a result, public knowledge of candidates and their platforms was inhibited.

Even though the law provides a five-day moratorium on de-registration of candidates, a few days before the second round of the parliamentary elections in March

two candidates were de-registered and removed from the ballot for controversial reasons.

The law's five-year residency requirement barred five opposition candidates who were former diplomats from parliamentary election in February and March.

February and March parliamentary elections were highly flawed, particularly due to pre-election violations. Violations included pressure on independent media, use of progovernment media to discredit particular candidates, selective deregistration of candidates by courts prior to the election, illegal election campaigning, interference by local authorities, low quality of voter lists, and poor organization of the electoral process by election commissions. Election observers also noted widespread electoral violations, including government pressure and intimidation against the media and opposition candidates, disqualification of opposition candidates for spurious reasons, illegal busing of voters to the polls, and rampant vote buying. Nevertheless, independent and opposition political parties and NGOs took advantage of provisions in the new electoral code allowing for their participation on electoral commissions.

Run-off elections in the second round of the February–March parliamentary election were held in 23 out of 75 districts. Election results were appealed through the CEC or courts in at least 11 districts.

The July 10 presidential election was a major improvement over the 2000 presidential elections. The OSCE/ODIHR concluded in its July 11 election assessment that the election “marked tangible progress” and noted “a good measure of political will from the authorities to conduct a democratic election.” Fundamental civil and political rights, such as the freedom of expression and the freedom of assembly, were generally respected leading up to the election, and the media provided all candidates with opportunities to present their views. Despite concerted efforts to improve voter lists, however, some aspects of the revision of voter lists breached legal provisions. Unexplained fluctuations in the number of voters on the main voter lists, up to and on election day, raised questions about the accounting of ballots.

On November 27, parliamentary by-elections were held in two districts. Independent observers reported numerous violations in the Tunduksky district in Bishkek. For example, authorities bribed and provided free transportation to voters, and the local election commission disregarded violations committed by one of the candidates, Janysh Kudaibergenov. On December 29, after reviewing a complaint filed by the losing candidates, the CEC ruled that the violations did not affect the final voting results and recognized Kudaibergenov the winner.

The government occasionally sought to impede the functioning of opposition political groupings and the expression of opposition views in the media (see section 2.b.). Numerous opposition politicians and members of prominent NGOs reported incidents of harassment and intimidation prior to March 24. For example, in January and February unknown persons spray-painted graffiti on the homes of a number of prominent opposition figures. In February unknown persons threw a hand grenade onto the balcony of the apartment of then opposition figure Roza Otunbayeva. The apartment was unoccupied at the time, and no one was injured. A spokesperson for former president Akayev publicly suggested that Otunbayeva carried out the attack as a publicity stunt.

In addition one of the leaders of the March events, Azimbek Beknazarov, alleged that his September 19 dismissal from the post of prosecutor general, which he occupied between March and September, was politically motivated.

There were no women in the 75-seat legislature. Women did hold several high-level government posts, including chief justice of the constitutional court, the chair of the State Committee on Migration and Employment Issues, and chair of the Social Fund.

There were 12 members of 4 minorities represented in the 75-seat legislature. Russians and Uzbeks, the two largest ethnic minority groups, remained underrepresented in government positions. Members of minority groups held top posts, including the minister of labor and social protection and chair of the Social Fund. Russian-speaking citizens alleged that a “ceiling” precluded promotion beyond a certain level in government service and alleged that some otherwise qualified candidates were disqualified in elections in previous years on the basis of exams, the fairness of which was questioned (see section 5).

Government Corruption and Transparency.—Corruption remained a serious problem at all levels of society. During the year the government took limited steps to address the problem.

Tax authorities released to the media a list of officials that did not submit income declarations. There were no reports of any action taken against officials that failed to comply with the income disclosure law.

Following the change of government, a special commission was established to identify assets that had belonged to former president Akayev and his entourage.

After the results of the commission were released, the Office of the Prosecutor General launched several investigations to assess the legality of these acquisitions and businesses. The investigations continued at year's end.

On June 21, the government adopted and began implementation of an anticorruption strategy, aimed at combating corruption in all sectors of society. On September 8, the financial intelligence service was established to prevent terrorist funding, fight money laundering, and to gather and forward relevant information to law enforcement agencies. And on October 21, the Anticorruption Council, consisting of 11 governmental officials and representatives of civil society and the media, was established. This council coordinated the government's overall anticorruption work. The government also reduced staff in government offices and began a wide anticorruption information campaign.

The law gives persons the right to request information from the government. The government generally complied with such requests but sometimes took a long time to do so.

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

Under the Akayev administration, human rights groups operated in a generally hostile environment and were faced with occasional government pressure to curtail their activities. Harassment of human rights activists, particularly those active on election-related issues, increased considerably during the first three months of the year. However, the Akayev Government also made limited efforts to interact with some NGOs, and most domestic independent human rights organizations were able to investigate and publish their findings on human rights cases. After March the Bakiyev government made significant efforts to reach out to human rights groups and civil society in general. Nonetheless, harassment and pressure by unknown persons on human rights activists continued during the year.

In September human rights activist Azziza Abdrasulova and her family received threatening phone calls from unknown persons who demanded that Abdrasulova destroy documents she allegedly held regarding protesting railway workers. Unknown persons approached Abdrasulova's husband and demanded he sign a statement saying he received \$20 thousand (822 thousand som) in return for persuading his wife to stop supporting the railway workers. When he refused to sign the statement the assailants beat him.

In August and September unknown persons threatened a prominent civil society activist with violence after he criticized the growing role of organized crime in the country.

In December the government pressed slander charges against Maxim Kuleshov, leader of human rights NGO Peace, Light and Culture, and coordinator of the resource center in Tokmok. The case was initiated after Kuleshov filed a lawsuit against police officers for interrupting a December 2 peaceful rally in Tokmok against torture in penitentiary facilities. Both cases were under consideration at year's end.

In April Ramzan Dyryldayev, head of the Kyrgyz Committee on Human Rights (KCHR), returned to the country from Vienna where he had been living in self-imposed exile since 2002. The MOJ did not reregister the KCHR during the year and reportedly recommended the group to take its case to court, since there was another KCHR registered by the MOJ, which was created by the Akayev regime in 2003 allegedly to oust Dyryldayev from the human rights movement in the country. Dyryldayev took the case to court, but authorities did not reopen the case; Dyryldayev also claimed the government did not act on most of his appeals.

Police dropped the case regarding the July 2004 assault of Ramazan Dyryldayev's daughter, Ainura Aitbayeva, when she moved abroad.

A number of international groups reported on human rights problems in the country. The government generally cooperated with international governmental organizations.

The ombudsman's office actively worked to advocate for individual rights. The ombudsman's mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs and has the authority to recommend cases to courts for review. The ombudsman's office claimed that after the March events, the number of complaints grew by nearly 50 percent. During the year the ombudsman's office received over 25 thousand appeals, most having to do with land ownership issues and official corruption.

Parliament's Committee on Constitutional Law, State Structure, Legality, Court, Judiciary Reform and Human Rights drafts or reviews legislation affecting human rights before it goes before the full parliament for approval. The committee also reviews all draft legislation that has a human rights component. In addition the

Democratic Security Council under the president is nominally tasked with protecting human rights in the country; however, it remained relatively inactive during the year.

In April former opposition politician Tursunbek Akunov was appointed chairman of the State Commission on Human Rights under the president. The commission's responsibilities included implementing the government's policy on human rights, improving relevant legislation, conducting information campaigns to increase public awareness about human rights issues, and establishing relations with international human rights organizations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, although in practice there was discrimination against women, persons with disabilities, ethnic minorities, and homosexuals.

Women.—The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. Some estimates indicated domestic violence constituted between 40 and 60 percent of all crimes committed against women. Many crimes against women were not reported due to psychological pressure, cultural traditions, and apathy of law enforcement officials. Penalties ranged from fines to 15 years' imprisonment (if abuse resulted in death). There were 4,135 crimes committed against women during the year; most were sent to court.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hot line, shelters, and prevention programs. Organizations involved with battered women also lobbied for new laws on domestic violence.

Rape, including spousal rape, is illegal. Activists noted that rape was becoming more common, although it was not clear whether this was due primarily to increased reporting of attacks. Interior ministry statistics indicated that during the year there were 298 registered cases of rape, 220 of which were sent to court. Actual figures were believed to be significantly higher; NGOs estimated the number could be up to ten times the reported figure.

Although a law prohibits the custom, rural inhabitants continued the traditional practice of kidnapping women and girls for forced marriage. During the year there were 18 reported cases of forced marriage, but the actual figure may be much higher. One study indicated that up to one-third of ethnic Kyrgyz women living in the northern part of the country were married against their will as a result. Many victims of forced marriage also reported to researchers that they were raped at the time that they were kidnapped. Cultural traditions discouraged victims from going to the authorities. In December 2004 the government supported NGO-sponsored Campaign Against Violence and Bride Kidnapping conducted for high school and college students, government officials, law enforcement officers, and medical personnel. Participating NGOs distributed information materials, produced television documentaries, performed a short play on bride kidnapping, and held discussions on domestic violence and trafficking in persons. NGOs maintained antitrafficking hot lines to help potential and actual trafficking victims.

Prostitution is not a crime, although the operation of brothels, pimping, and recruiting persons into prostitution is illegal, with penalties of up to five years. With no legal measures in place to regulate the industry, it was an increasing problem.

Trafficking in women for the purpose of sexual exploitation and forced labor was a problem (see section 5, Trafficking).

Sexual harassment is prohibited by law, but it was a problem. Penalties range from fines to imprisonment.

Women enjoy the same rights as men, including under family law, property law, and in the judicial system, though discrimination against women persisted in practice. The National Council on the Issues of Family, Women and Gender Development, under 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 that was particularly vulnerable to deteriorating economic conditions. With the end of communism, traditional attitudes toward women reasserted themselves strongly in the countryside, where women were relegated to the roles of wife and mother, and educational opportunities were curtailed. Data indicated that women were less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

Children.—The government was generally committed to the rights and welfare of children, although it lacked resources to fully address basic needs for shelter, food, and clothing.

The law provides for compulsory and free education for the first 9 years, or until age 14; secondary education is free and universal up to age 17. However, financial

constraints prevented the government from providing free basic education for all students. Families that kept children in public schools often had to pay burdensome—and illegal—administrative fees. Girls and boys attended school in equal ratios. During the year the primary school enrollment ratio was 99 percent for both girls and boys, according to UNICEF; the secondary school enrollment ratio was 78 percent for boys and 85 percent for girls. The law penalizes parents who do not send their children to school or who obstruct their attendance. This law was only spottily enforced, particularly in rural areas. In the most recent academic year 80,300 or 7 percent of total school age children completed secondary school.

The government continued to fund the work of two programs to provide benefits for low-income children and children with disabilities, such as school supplies and textbooks. Legally, all textbooks should be free, but the government was unable to provide free textbooks to all, and students had to pay for some of the textbooks.

The government provided health care for children, and boys and girls had equal access. The system of residence registration restricted access to social services, including healthcare and education, for certain children, such as refugees, migrants, internally displaced persons, and non-citizens (see section 2.d.).

Child abuse, including beatings, child labor, and sexual exploitation continued to be a problem.

Underage marriage was not a significant problem in the country. Children ages 16 and 17 may legally marry with local authority consent, though marriage before age 16 is prohibited under all circumstances.

Trafficking of children for the purposes of sexual exploitation and labor remained a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, which led to larger numbers of children in institutions, foster care, or on the streets. State orphanages and foster homes also faced a lack of resources and often were unable to provide proper care. Some children too old to remain in orphanages were transferred to mental health care facilities, even when they did not exhibit mental health problems. Many street children left home because of abusive (8 percent) or alcoholic (10 percent) parents or desperate economic conditions (75 percent). Government and NGO estimates of the number of street children nationwide ranged from approximately 2 to 15 thousand, depending on the time of the year. Approximately 80 percent of street children were internal migrants. Street children were detained by police and either sent home (if an address was known) or to a rehabilitation center or orphanage. The two MVD-maintained rehabilitation centers, one each in Bishkek and Osh, were in poor condition and lacked sufficient food, clothes, and medicine.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Trafficking remained a persistent problem, and victims alleged government officials facilitated, or were complicit in, trafficking. However, the government made significant efforts to address trafficking, including prosecuting several officials involved in trafficking and improving assistance to victims.

Trafficking in persons, including organizing illegal migration and smuggling, is a criminal offense punishable by up to 20 years in prison. Other provisions of the criminal code used to prosecute traffickers included kidnapping, trading in children, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years. According to the Office of the Prosecutor General, 30 trafficking-related cases were initiated during the year; 3 cases resulted in the convictions of 4 people. Prosecution was difficult due to victims' reluctance to file charges either out of fear, mistrust, or the social stigma attached to trafficking crimes.

In March then president Akayev signed the Law on Preventing and Combating Human Trafficking. The law stipulates legal aspects of preventing and combating trafficking in persons, provides guidelines for coordination of efforts of law enforcement agencies involved in such activities, outlines measures for victim protection and support, and designates a special entity for preventing and fighting trafficking, consisting of representatives of the government, NGOs and international organizations. The law also provides for better protection of trafficking victims.

The MVD has a designated antitrafficking police unit. The National Antitrafficking Council is responsible for developing a government policy to fight trafficking and oversee the efforts of different agencies as they implement government antitrafficking action plans. Following the change of the structure of the government, a new agency, the State Committee for Migration and Employment Issues, was established and is responsible for streamlining labor migration. This agency, the MVD, the Office of the Prosecutor General, and NGOs continued to work on im-

plementation of the 2004–2005 antitrafficking plan of action. Working with the International Labor Organization (IOM), the government started the development of a new program to combat trafficking for 2006–2008. The IOM began implementation of a program sponsored by a foreign government to combat trafficking. Although the government lacked adequate resources to implement many aspects of the action plan, it actively participated in and helped implement numerous NGO and other foreign-donor sponsored antitrafficking programs. Activities included: improvement of antitrafficking laws, changes to the criminal code decriminalizing trafficking victims; an information and public awareness campaign regarding trafficking; training for law enforcement officers and foreign service officers; and monitoring of companies recruiting labor migrants to prevent illegal recruiting. The government cooperated with international organizations and other countries to combat trafficking.

The country was primarily a source and transit point for trafficked persons, although there were increasing reports of the country being a destination for women trafficked as prostitutes. There were no reliable estimates of the number of persons trafficked annually, and no reliable studies had been conducted. However, in 2004 NGOs and government officials estimated that up to four thousand local women were working in the UAE in the sex industry, most presumed to have been trafficked. The NGOs Podruga and Sezim reported that they received approximately 1,500 calls to their hot lines during the year. Some 300 to 500 thousand citizens were estimated to be working as labor migrants in Russia, and 30 to 50 thousand labor migrants were in Kazakhstan, some of them illegally. The number of these who were trafficking victims was unknown.

The country was a transit point for individuals trafficked mostly from Uzbekistan and Tajikistan to the West (mainly to Turkey and Eastern Europe). The country was also a source for trafficked women and girls, largely to the UAE, Turkey, Germany, Greece, Cyprus, and South Korea for the purpose of sexual exploitation; and for trafficked persons largely to Kazakhstan, Russia, and Ukraine for forced labor. Labor trafficking was predominant. According to the Osh Migration Service, hundreds of destitute southerners were trafficked to Kazakhstan as forced laborers on tobacco plantations, although this practice declined significantly since the signing of a 2003 bilateral labor agreement between the country and Kazakhstan. In addition there was also internal trafficking from poor, rural areas to Bishkek and Osh.

A flourishing commercial sex industry exploited girls as young as age 10 from destitute mountain villages.

Groups targeted by traffickers included young women unable to earn an adequate living. Poor economic conditions, high unemployment—particularly in the south—and gender inequality made young women and poor workers vulnerable to traffickers who offered lucrative jobs or marriage offers to rich men abroad. The IOM estimated approximately 70 percent of trafficking victims were from the south. Often women were lured abroad via newspaper advertisements or even announcements over loudspeakers in local bazaars. Women responding to job offers for waitresses, au pairs, or dancers, or to marriage agencies could find themselves abroad without documents or money for return tickets and forced to work for their traffickers.

Traffickers were often persons who previously operated local prostitution networks. Relatives or close family friends were also reportedly used to recruit trafficking victims. Tour agents, restaurants, and nightclubs supplemented their activities by trafficking young women to foreign prostitution rings. Traffickers of persons for sexual exploitation included organized crime rings that often used former trafficking victims as recruiters. In some cases traffickers provided escorts, usually an older woman, to accompany victims and facilitate border crossings into countries such as the UAE, where young women were generally not allowed to enter alone. Labor trafficking was much less organized and often involved self-employed recruiters who simply loaded persons onto buses and transported them to the country for work on farms, as well as labor recruitment firms (see section 6.c.).

Endemic corruption impeded the government's efforts to curb trafficking. Victims reported local police, immigration officers, and airport security officials often cooperated with highly organized trafficking operations. Observers believed that some government authorities facilitated or were otherwise complicit in trafficking activities. According to Kubanychbek Isabekov, chair of the parliamentary Commission on Labor Migration, law enforcement officers were involved in trafficking. In July a former officer of the border control department at the National Border Service was arrested for facilitating the trafficking of young women through border checkpoints.

According to a March law, the government may provide foreign trafficking victims with criminal immunity and immunity from deportation for violations committed while being trafficked, provided they cooperate with law enforcement. In addition

such individuals may be granted temporary or permanent residence status. In the past the majority of trafficking victims refused to cooperate with police for fear they would be prosecuted for offenses committed while being trafficked into or out of the country. Many of those who transited the country were abandoned by traffickers and lived in hiding to avoid discovery by authorities. However, there were no reports that the government deported foreign victims of trafficking during the year. The OSCE and IOM reported that many of those who returned from commercial work overseas stated they were forced to pay bribes to law enforcement officials to avoid imprisonment for having improper or falsified travel documents, although border authorities reported that Kyrgyz victims who admitted to the use of false documents or illegal entry into the country were not penalized. During the past year, five trafficking victims cooperated with law enforcement and were not prosecuted for illegal border crossing and document fraud. The government, working with the IOM, returned over 300 trafficking victims from Russia, Kazakhstan, and other countries.

According to NGOs the government did not directly assist trafficking victims, including those repatriated, with any special services or care facilities, but it increasingly referred victims to private shelters such as Sezim, which provided shelter for 41 women during the year. Numerous NGOs conducted workshops for law enforcement officers. A number of NGOs, including Women's Support Center, TAIS-Plus, New Chance, Sezim, and Podruga, provided legal, medical, and psychological counseling and assistance, and economic aid to trafficking victims. In April an IOM-funded shelter for trafficking victims in Osh closed due to lack of funding; it reopened in September. Several NGO-sponsored media articles, public service announcements, and a traveling theater show publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem. Numerous NGOs ran hot lines for victims. During the year Sezim received 514 trafficking-related calls on its hot line and provided shelter to 41 female victims. Podruga received 923 calls on its hot line. During the year the IOM provided assistance to over 300 trafficking victims. The assistance included repatriation (from Kazakhstan, Russia, and other countries), psychological support, shelter upon arrival in Bishkek or Osh, vocational training as well as a monthly stipend.

The IOM, OSCE, various local organizations, and foreign governments sponsored various preventive programs, including antitrafficking public service announcements, roundtables, and workshops to increase awareness among the government, nonprofit, tourism, and media sectors.

The government carried out or participated in a number of antitrafficking and education campaigns. Regional and local governments worked with 18 domestic NGOs on a 2004–2005 information campaign. The NGO Center for Support to Women prepared a book that reviewed trafficking in the country, analyzed international trafficking, reprinted trafficking legislation, and provided recommendations to law enforcement and medical institutions on how to handle trafficking victims. The book was used in seven training workshops for NGOs and seven seminars for law enforcement throughout the country; additionally, the book was disseminated in five schools and two colleges in seminars.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities, but in practice there was discrimination in employment, education, access to health care, and in the provision of other state services for persons with disabilities. The law mandates access to buildings for persons with disabilities, although the government generally did not enforce these provisions in practice. The law provides for access to public transportation and parking for persons with disabilities, subsidies to make mass media available to the hearing or visually impaired, and free plots of land for the construction of a home; however, in practice, few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. 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. Hospitals, special institutions, and boarding homes for persons with mental disabilities were severely strained, due to low budgets and heavy workloads.

Serious problems remained within psychiatric hospitals. The government was unable to provide basic needs such as food, water, clothing, heating, and healthcare, and facilities were often overcrowded. There were documented cases of animal feed being purchased to substitute normal rations for mentally ill patients. Inadequate funding played a critical factor. Mentally disabled children were put into psychiatric hospitals rather than socially integrated with other children. Though they have the right to an education they were not allowed to go to school. Their parents have created special educational centers to educate their children, but they did not receive

any government assistance. Patients were also often admitted involuntarily, including children without mental disabilities who were too old to remain in orphanages. Patients were sometimes engaged in forced labor on hospital grounds (see section 6.c.). The NGO Mental Health and Society continued its work with the health ministry to develop programs aimed at improving conditions in psychiatric hospitals.

During the year under pressure from NGOs, the Chym-Korgon hospital closed down its labor colony, where its patients had worked with no compensation. However, the chief physician of the hospital refused to cooperate with a local NGO project in which patients could work and be paid.

A patient institutionalized at the Chym-Koprgon hospital died under suspicious circumstances three days after the March 24 change of power; foul play rather than neglect was suspected but there was no determination at year's end. The patient had been diagnosed as mentally ill and institutionalized following his attempted murder of Secretary for the State Security Council Misir Ashirkulov.

The lack of transparency in the administration of mental health facilities contributed to abusive conditions.

Some progress in making the work of hospitals more transparent was reported in a Jalalabad hospital, which treats many persons with mental disabilities, and food supply and other conditions improved during the year.

Most judges lacked the necessary experience and training to determine persons should be referred to psychiatric hospitals, and individuals were often institutionalized against their will.

National/Racial/Ethnic Minorities.—There were reports of discrimination against nonethnic Kyrgyz citizens. Minorities alleged discrimination, including from officials, in hiring, promotion, and housing. August statistical data reflected the following ethnic breakdown of the population: 67.4 percent Kyrgyz; 10.3 percent Russian; 14.2 percent Uzbek; 1.1 percent Dungan (ethnic Chinese Muslims); and 1 percent Uighur. Other ethnic groups, including Tatars and Germans, comprised 6.4 percent of the population.

Following the March 24 overthrow of the Akayev government, ethnic minority groups, particularly Russians, expressed fears of increased Kyrgyz nationalism. On several occasions flyers with anti-Russian slogans were distributed around Bishkek. However, no incidents of interethnic violence were reported.

In contrast, a representative of the Uighur community expressed hope that the change of power would end discriminatory actions against the Uighur minority that occurred during the Akayev period. Some Uighurs had reported harassment by authorities, as well as discrimination in employment and negative societal attitudes and media coverage of their community. Until the March 24 revolution former State Secretary Ibraimov prevented the Uighur community from holding festivities, demanding that the leader of the Uighur cultural center refute his earlier anti-Chinese statement in the local press. According to the same source this policy changed with the change of administration in March and ethnic Uighurs were able to elect their nominees to local bodies during the last elections.

Representatives of the large ethnic Uzbek minority alleged on several occasions that officials discriminated against their community. The former governor of the Osh region charged that President Bakiyev removed him from his position, in part because of his Uzbek ethnicity.

The law designates Kyrgyz as the state language and Russian as an official language and provides for preservation and equal and free development of minority languages. Russian-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that some otherwise qualified candidates were disqualified in elections in previous years on the basis of exams, the fairness of which was questioned. Both Uzbek and Russian were widely used both officially and unofficially. A 2004 language law requiring, among other provisions, that the president, prime minister, speaker of parliament, and a number of other unspecified public servants be proficient in Kyrgyz was pending implementation until 2015.

Other Societal Abuses and Discrimination.—According to a Dutch study, people of nontraditional sexual orientation, particularly homosexual men, were among the most oppressed groups, although the country does not outlaw homosexuality. Those whose sexuality was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities, particularly lower-ranking police. Incarcerated gay men were often openly victimized in prisons by inmates and officials alike.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of all workers to form and belong to trade unions, and workers exercised this right in practice. A new

labor code was adopted in July 2004 and on June 30 amendments were made to the Trade Unions Act. The Federation of Trade Unions (FTU) believed these changes strengthened the legal framework for trade union activities and expanded legal protections for employee rights.

The independent FTU remained the only trade union umbrella organization in the country although unions were not required to belong to it. The FTU had 1,040 million members, or 56 percent of the country's employed workforce. Growing numbers of smaller unions were not affiliated with the umbrella organization. The federation must approve all draft legislation affecting workers' rights. The FTU did not experience any antiunion discrimination.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference and the government protected this right in practice. The law recognizes the right of unions to organize and bargain collectively, and approximately one-third of all trade unions exercised this right. The government set the minimum wage, after which each employer set its own wage level.

While the right to strike was not codified, it was also not prohibited. According to the Deputy Chair of the FTU, no strikes occurred because there were no funds to compensate members for workdays lost due to strikes. However, workers protested against delayed salary payments and arbitrary dismissals. Drivers of van taxis protested against low passenger fees, which were established by the local government.

There are Free Economic Zones (FEZs) that function as export processing zones. The minimum wage law does not apply to the approximately 4,700 workers in FEZs; however, all other labor laws apply.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

The press continued to report that citizens were forced to work without pay on tobacco farms in Kazakhstan, although this practice declined significantly since the signing of a bilateral labor agreement between the government and Kazakhstan. According to different sources, the number of people ranged from several hundred to several thousand.

Local media reported that about 20 Kyrgyz citizens were held hostage in China due to the failure of their relatives to pay for goods purchased from Chinese businessmen. However, according to local NGOs, the actual number of people being held hostage in China was above 100. The Kyrgyz Foreign Ministry continued to negotiate with Chinese authorities for their release.

According to the Chairman of the Parliamentary Commission on Labor Migration Issues Kubanychbek Isabekov, licenses for recruiting labor for work abroad were withdrawn from 15 recruiting companies. Among the companies whose recruiting activities were suspended were Eldorado, which employed workers in South Korea, and Evrozest, which sent labor migrants to Russia. By year's end there were five companies authorized to recruit labor migrants for work abroad, but only two of them—Egemyar and Sara Kountis—were recruiting labor migrants, the former to Kazakhstan and the latter to Turkey.

There were reports that patients in psychiatric hospitals were routinely used for unauthorized labor on hospital grounds and as domestic service for doctors and local farmers. The patients allegedly did not have a choice to refuse and were only paid with food.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. According to the State Labor Inspectorate (SLI) Deputy Director Vladimir Tomchenko, the inspectorate only conducts spot-checks to confirm compliance with child labor law requirements at large industrial sites with strong trade unions, which generally do not allow the use of child labor. The lack of employer-employee contracts in small and medium sized businesses made it impossible to investigate child labor exploitation at those businesses. Under the law, the minimum age for basic employment was 16, except for certain limited circumstances including odd jobs such as selling newspapers.

In addition, the law bans the employment of persons under 18 in a wide variety of categories of employment involving difficult or dangerous conditions, including the metal or oil and gas industries, mining and prospecting, the food industry, entertainment, and machine building.

Children between 14 and 15 years of age are allowed to work a maximum of 5 hours a day; children between 16 and 18 years are allowed a maximum of 7 hours a day.

Child labor was a problem and remained widespread. Child laborers were prevalent in the following sectors: tobacco, cotton, rice, cattle breeding, gasoline sales, car washing, shoe cleaning, and retail sales of tobacco and alcohol. Children also were involved in family enterprises, particularly agriculture, domestic duties, and selling products at roadside kiosks.

According to reports from various NGOs, child labor was particularly evident in the south. During the fall, classes were cancelled and children were sent to fields to pick cotton. During the summer children worked during the tobacco harvest and were involved in all steps of production. Schools required children to participate in the tobacco harvest, some fields were located on school grounds, and the income went directly to the schools, not to the children.

Internal trafficking of children for the purposes of sexual exploitation and labor remained a problem (see section 5). Children were generally trafficked from poor rural areas to Bishkek and Osh.

The government did not enforce child labor laws adequately. Although employers caught violating the law could be charged with disciplinary, financial, administrative, or criminal penalties, punishment was usually minimal.

The prosecutor's office and the state labor inspectorate are responsible for enforcing employers' compliance with labor laws. The General Prosecutor's Office conducted 17 checks, resulting in 5 written notifications, 10 demands for immediate action, 11 warnings, and 1 disciplinary action. Since many children worked for their families or were self-employed in such occupations as selling newspapers, pushing handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the government to determine whether their work schedules and environment conformed to government regulations.

The FTU also had the right to conduct child labor inspections when it received a complaint; there were no inspections during the year.

e. Acceptable Conditions of Work.—The government-mandated national minimum wage of approximately \$2.42 (100 som) per month did not provide a decent standard of living for a worker and family. However, industries and employers generally paid somewhat higher wages. The FTU was responsible for enforcing all labor laws, including the law on minimum wages; minimum wage regulations were largely observed. Salaries in the health care field were among the lowest, averaging \$25.74 (1,126 som) per month. According to the National Statistics Committee, 42.9 percent of the population lives in poverty.

The standard workweek was 40 hours, usually within a 5-day week. For state-owned industries, there was a mandated 24-hour rest period in the workweek. According to the labor code, overtime work cannot exceed 4 hours per day and 20 hours per week; premium pay of between 150 and 200 percent the hourly wage or compensatory leave for overtime work are provided for. These provisions were mainly enforced at large companies and organizations with strong trade unions.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, as well as enforcement procedures, and the state inspectorate of labor was responsible for enforcement; however, enforcement was lax. Besides government inspection teams, trade unions were assigned active roles in assuring compliance with these laws, but compliance was uneven among businesses. Workers had the right to remove themselves from workplaces that endangered their health or safety without jeopardy to their employment, and workers exercised this right in practice.

LATVIA

Latvia is a parliamentary democracy with a population of approximately 2.3 million. The 2002 elections for the 100-seat parliament were free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens and the large resident noncitizen community; however, there were problems in some areas. The following human rights problems were reported:

- police brutality
- impunity
- poor prison conditions and overcrowding
- lengthy pretrial detention
- judicial corruption
- obstacles to due process

- anti-Semitic violence
- violence against women
- child abuse and child prostitution
- trafficking in women and minors
- racially motivated violence
- societal and occasional government discrimination against homosexuals

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that government officials employed them.

The Latvian Center for Human Rights and Ethnic Studies (LCHRES) received allegations of severe abuse of persons in custody. During a ward search in July, 11 inmates at Valmiera prison sustained serious injuries, including broken ribs, consistent with the use of police batons. Some of the injured did not receive medical attention for 12 to 48 hours.

Accurate statistics on reports of police brutality were unavailable. On February 18, the state police initiated a criminal case against two police officers who beat two individuals apprehended for public drunkenness. Their trial was ongoing at year's end.

LCHRES expressed concern that victims underreported incidents of police brutality. In February 2004 LCHRES conducted a study in which it operated a hot line to collect allegations of police brutality from anonymous callers. Over a 3-day period, LCHRES received 283 complaints regarding police misconduct, 130 of which referred to police brutality. During the year the Latvian National Human Rights Office (NHRO) received 11 written and 23 verbal complaints regarding misconduct. The NHRO reported that the Ministry of Interior and police officials were cooperative in resolving complaints of police brutality, and the NHRO arranged for meetings between complainants and relevant law enforcement agencies where, according to NHRO officials, the Ministry of Interior collected testimony that it used to identify police officials guilty of abuse.

Prison and Detention Center Conditions.—Prison conditions remained poor. Prisons also continued to be overcrowded; nonetheless, overcrowding declined somewhat from 2004. Prison hospitals and general medical care were major concerns. According to a report, a high rate of attempted suicide, resulting from a lack of psychiatric care, was a problem. There were 28 short-term facilities designed to hold detainees less than 72 hours. Both the Council of Europe and the NHRO stated that conditions such as poor ventilation and damp, dark, and unsanitary cells in at least half of these centers violated human rights standards. Unlike in the previous year, there were no reports of abuses in pretrial detention facilities.

The government permitted independent human rights observers to visit prisons and detention centers. During the year domestic groups, such as LCHRES, closely monitored prison 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 security forces consist of the national police, the special immigration police, the border guards, and other services, who are subordinate to the Ministry of Interior; municipal police who are under local government control; the Military Counterintelligence Service and a protective service, which are under the Ministry of Defense; and the national guard, an element of the armed forces. Allegations of corruption and bribery within law enforcement ranks were frequent and affected the public's perception of police effectiveness. According to a report during the year by the anticorruption nongovernmental organization (NGO) Providus, 57 members of the security forces were convicted of corruption-related offenses between 2003 and 2004: 42 members of the state police, 7 members of municipal police forces, and 8 members of the border guards. In the first half of the year the Anti-Corruption Bureau (ACB) initiated cases against the following members of the security forces: three members of the Riga city main police board for allegedly demanding and receiving a bribe to avoid inspections from a businessman; a member of the traffic police for his role in an alleged attempt to falsify blood-alcohol tests; and a police inspector for extortion and bribery.

Arrest and Detention.—The law requires that persons be arrested openly and with warrants issued by a duly authorized judicial official, and the government generally respected this requirement in practice. The law provides a person in detention with the right to a prompt judicial determination of the legality of the detention, and authorities generally respected this right in practice. Detainees were promptly informed of charges against them. The law requires the prosecutor's office to make a formal decision whether to charge or release a detainee within 72 hours after arrest, which was followed in practice. Charges must be filed within 10 days of arrest, and this was followed in practice. A bail system exists; however, it was infrequently used and applied most often in cases of economic crimes. Detainees have the right to have an attorney present at any time. If indigent an attorney is provided by the government. Detainees were allowed prompt access to family members. These rights are subject to judicial review but only at the time of trial.

There were no reports of political detainees.

The law limits pretrial detention to no more than 18 months from the first filing of the case; however, lengthy pretrial detention was a problem. Persons in pretrial detention had limited contact with outside NGOs or family and suffered from considerably worse living conditions than detainees in general.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision in practice; however, there were significant problems, including inefficiency and corruption.

The judicial system is composed of district (city) courts; regional courts, which hear appeals from district courts and can also serve as courts of first instance; a separate administrative court, which adjudicates administrative violations; the supreme court, which is the highest appeals court; and the seven-member constitutional court, which hears cases regarding constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated. For more serious criminal cases, two lay assessors join the professional judge on the bench at the district and regional levels.

Corruption in the judicial system was widespread. Through June the ACB had initiated 29 criminal cases against various government officials, compared with 35 in all of 2004 and 21 in 2003. As of June the ACB had passed 21 criminal cases to the Prosecutor's Office for prosecution of 41 persons, including police officers and deputy candidates in municipal elections. In August the justice minister fired three bailiffs following their indictment by the prosecutor general for fraud, abuse of power, and bribery. In 2004 the ACB arrested and launched a criminal case against a prosecutor for corrupt practices. The prosecutor general dismissed the accused prosecutor, and the criminal case was ongoing at year's end. During the year the ACB reported that it had received 114 complaints against members of the bailiff service and the prosecutor general announced criminal cases against seven bailiffs. A time-consuming judicial process and a shortage of judges overloaded the courts.

Trial Procedures.—Trials generally are public; however, they may be closed if government secrets might be revealed or to protect the interests of minors. Juries were used in some cases, but not in others. All defendants have the right to be present at their trial and to consult with an attorney in a timely manner, and the government provided funds to indigent defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may call witnesses and offer evidence to support their case. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and can make multiple appeals.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, although the press law prohibits censorship of the press or other mass media, the media law contains a number of restrictive provisions regulating the content and language of broadcasts.

Primary terrestrially broadcast radio and television stations are required to use the state language, Latvian, and secondary terrestrial broadcasters are allotted up to 20 percent of total broadcast time for non-Latvian language programming, which should be simultaneously translated using subtitles. However, the laws only apply to terrestrial broadcasts. Non-Latvian language broadcasts were available on cable.

The independent media were active and expressed a wide variety of views without restriction.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. The law also requires protesters to remain specified distances from foreign diplomatic missions, the parliament, the Prosecutor's Office, and certain other public institutions. Independent human rights organizations argued that the law's provisions were contradictory and confusing. Nevertheless, numerous demonstrations took place peacefully and without government interference during the year. However, a gay pride parade in July had its permit approved, revoked, and then reinstated.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice; however, the law bars the registration of Communist, Nazi, or other organizations whose activities would contravene the constitution. Nevertheless, many nationalist organizations using fascist-era symbols, slogans, and rhetoric operated openly. Noncitizens may join and form political parties. Every party must have at least two hundred citizens as members in order to register. At least half of the total membership must be citizens.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice; however, bureaucratic problems for "nontraditional" religions persisted.

There is no state religion, but the government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish) and "new" religions. The "new" religions were subject to bureaucratic regulations and paperwork requirements not applicable to "traditional" religions and have more difficulties purchasing property.

Although the government does not require the registration of religious groups, the law accords religious organizations certain rights and privileges when they register, such as a separate legal status for owning property or for other financial transactions, as well as tax benefits for donors.

According to ministry of justice officials, most registration applications were approved once proper documents were submitted. The law does not permit simultaneous registration of more than one religious group (church) in a single confession, and the government has denied the applications of splinter groups on this basis.

Foreign evangelists and missionaries were only permitted to hold meetings and to proselytize if domestic religious organizations invited them to conduct such activities. Foreign religious denominations criticized this provision.

The law provides that only representatives of the Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish religions may teach religion to public school students who volunteer to take the classes.

Societal Abuses and Discrimination.—During the year there were a few reports of low-level societal harassment and discrimination against resident missionaries of the Church of Jesus Christ of Latter-day Saints, including a few reports of violence such as kicking and pushing down stairs.

The Jewish community numbers approximately 9,500 and is largely secular and Russian speaking. There was one synagogue operating in Riga. In April the Orthodox rabbi of Riga was accosted in the city's main square by a group of young men and subjected to anti-Semitic epithets. Suspects were detained and at least one has been charged with hooliganism. During the year the president made several public speeches and appearances commemorating the Holocaust and criticizing manifestations of anti-Semitism.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law stipulates that noncitizens are prohibited from owning land in the border zones.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided some protection

against *refoulement*, the return of persons to a country where they feared persecution. However, there were reports that authorities systematically turned away refugees and asylum seekers at the border, particularly at the border with Belarus. The government granted refugee status or asylum.

During the year the government did not provide temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

Illegal immigrants held at the Olaine detention camp did not have access to information about their rights, including their right to apply for asylum, and had limited recreation opportunities. In August seven Somali refugees were detained at Olaine detention camp. A court declared them to be illegal immigrants, but NGOs and a former government official claimed that the Somalis were not made aware of their legal rights or offered an opportunity to request asylum. In December the Somalis appealed the court ruling, and the case was pending at year's end.

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

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

Elections and Political Participation.—Free and fair elections for parliament were held in 2002, and the parliament elected the president in June 2003. In March nationwide local elections were held; although largely free and fair, vote-buying scandals resulted in the election outcomes being challenged in the cities of Jurmala and overturned in Rezekne. Both incidents prompted ACB investigations. By the middle of the year, the ACB had begun criminal proceedings against five individuals. The cases were pending at year's end.

The election law prohibits the holding of elective office by persons who remained active in the Communist Party or various other pro-Soviet organizations after January 1991 or who worked for such institutions as the former Soviet Committee for State Security.

There were 21 women in the 100-member parliament, and there were 4 women in the 18-member cabinet of ministers. The president was a woman. The speaker of the parliament was a woman.

Nonethnic Latvians, including ethnic Russians and Poles, served in various elected bodies. According to the parliament's website, there were 22 members of minorities in the 100-seat parliament, including 15 ethnic Russians, 1 ethnic Pole, 1 Jew, 1 Karelian, and 4 others who declined to list their ethnicity.

Government Corruption and Transparency.—There was a widespread perception of corruption throughout all levels of the government. Through June the ACB initiated 21 criminal cases, compared with 35 in all of 2004.

A cabinet of ministers' regulation provides a mechanism for public access to government information, and the government generally provided access in practice.

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

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

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

The law prohibits discrimination due to race, gender, language, or disability; however, violence against women and racial minorities, societal discrimination against women and homosexuals, child abuse, and trafficking in persons were problems.

Women.—Violence against women, including spousal abuse, is against the law. Although domestic violence was a significant problem, the government did not effectively enforce the law, in large part, because abuse was underreported. Victims of abuse often were uninformed about their rights and were reluctant to seek redress through the justice system. Human rights groups asserted that the legal system, including the courts, sometimes did not take domestic violence cases seriously, and that the police were often reluctant to make arrests in such cases. There were no shelters designed specifically for battered or abused women. There are no dedicated rape or assault hot lines; however, NGOs managed two crisis hot lines.

The law specifically criminalizes rape but does not recognize spousal rape. A local NGO, the Skalbes Crisis Center reported that rape laws were ineffective and stated that rapes were underreported due to a tendency by police to blame the victim.

Prostitution is legal, although procuring is not. Prostitution was widespread and often was linked to organized crime. During the year large increases in sex tourism were reported.

Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment is illegal; however, in the absence of complaints, the government was unable to enforce the law. Sexual harassment of women in the workplace reportedly was common. Cultural factors tended to discourage women from coming forth publicly with complaints of harassment.

Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The law prohibits employment discrimination; however, in practice women frequently faced hiring and pay discrimination, especially in the emerging private sector. The law also prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon by the cabinet and labor unions.

The law prohibits work and pay discrimination based on gender and requires employers to set equal pay for equal work. Some local NGOs questioned the ability of the government to enforce gender equality laws, claiming that the police agencies responsible for enforcing such laws lacked the skills to do so.

Children.—The government was committed to children's rights and welfare; however, constitutional provisions on children and the law on the rights of the child were not enforced fully in practice.

Primary schooling is free, compulsory, and universal through the 9th grade (between the ages of 7 and 16) and free through the 12th grade (age 18).

Access to health care was universal, and there were no reports of discrimination based on sex.

Abandonment and child abuse, including sexual abuse, were common. NGOs reported that laws against child abuse were enforced effectively. Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases. Children who were from families that were unable to care for them had access to government-funded boarding schools that provided adequate living conditions; however, these schools offered lower educational standards than regular state schools.

Child prostitution remained a problem. During the year the police reported that, due to the imposition of severe penalties for rape and sexual exploitation of minors, the reported incidence of child prostitution sharply declined. According to the police, previous estimates that 12 to 15 percent of prostitutes were between the ages of 8 and 18 were exaggerated and during the year noted that there were only a few reported cases. Nevertheless, legal protections for offenses committed against children were rarely enforced in the case of child prostitutes.

Trafficking in young girls for sexual exploitation abroad remained a problem (see section 5, Trafficking).

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and minors to, from, and within the country was a problem.

The law specifically prohibits "trafficking in persons"; however, most traffickers continue to be prosecuted under a statute that prohibits sending persons abroad for sexual exploitation. The law provides for sentences of up to 15 years' imprisonment for trafficking in persons and for sentences of up to 6 years' imprisonment for sending persons abroad for sexual exploitation. During the year the number of investigations into crimes related to trafficking increased. During the first 8 months of the year, a total of 22 persons were convicted; 17 of them received conditional sentences, which are similar to probation. Although there are severe penalties under the law against trafficking in persons, the courts applied this section of the law only in one case. In other cases those sections of the law that criminalize pimping and alien smuggling for sexual exploitation were applied by the courts, imposing less severe penalties.

Cooperation between the border guards, police, and NGOs increased and contributed to effective control of the border areas. International cooperation in investigations and prosecutions was well established with Denmark and Germany. In comparison with previous years, cooperation with Swedish, Lithuanian, Estonian, and Finnish law enforcement agencies improved. The Border Guard Service managed an information database used to reveal trafficking trends.

At year's end the government had not fully implemented the National Action Plan to Combat Trafficking in Persons, which was adopted in March 2004. The Ministry

of Interior had primary responsibility for antitrafficking activities. In late 2004 parliament amended the law to expand the definition of trafficking in persons to include internal trafficking. Parliament also made sending persons abroad for sexual exploitation a felony, increasing the penalty under the law to six years' imprisonment, and made the victim of the crime eligible for special protection. In addition the working group made a government-administered shelter for immigrants and refugees available for trafficking victims, developed an antitrafficking curriculum for high schools, and initiated a study of the problem of sex tourism in the country. However, the government lacked the funds to implement much of the action plan.

The country was primarily a source and transit point for trafficked victims. The main countries of destination were Germany, Spain, Great Britain, Italy, Switzerland, and the Nordic countries. There were reports, including from the European Police Service, that trafficking in women and girls for sexual exploitation abroad increased. Women, including well-educated women, homeless teens, and minors graduating from orphanage boarding schools, were among those most at risk to be trafficked. Males were also trafficked. Trafficking within the country also occurred, and women from poor districts were often trafficked for sexual exploitation to Riga, Liepaja, and Ventspils. However, no criminal cases were initiated for trafficking in persons within the country.

Traffickers, primarily organized criminal groups, usually lured victims through false offers of employment for jobs such as dancers, bartenders, and babysitters in European countries. A large number of victims were drawn from the economically depressed areas of the country's eastern regions. While some victims were recruited through job advertisements or modeling and travel agencies, most victims were solicited through direct contact with traffickers. Traffickers often recruited their victims at cafes and clubs, and victims themselves recruited new victims for the traffickers.

There were some assistance programs, principally organized by NGOs and the International Organization for Migration (IOM); however, the government recognized a need for improvement. Marta Centers continued its operations to educate adolescents regarding trafficking issues. The Council of Youth Health Centers (CYHC) organized local working groups to combat trafficking in Daugavpils and Liepaja. During the year the CYHC and the Judicial Training Center carried out projects to educate judges and prosecutors about the severe nature of human trafficking. The IOM and several NGOs sponsored conferences on trafficking, and there were multiple antitrafficking education campaigns. In addition, the IOM sponsored a campaign warning young people in the Baltic states of the dangers of accepting attractive employment offers from abroad. The IOM and other NGOs carried out a project for school teachers and invited them to screenings of the film *Lilya 4-Ever*, which depicts the life of a young trafficking victim.

The government acknowledged its responsibilities for the protection of trafficking victims in the National Action Plan to Combat Trafficking in Persons; however, lack of resources and competing budget priorities have limited its ability to provide direct assistance to trafficking victims. Currently, most assistance to victims comes from local NGOs and IOM. Marta Centers, operating in cooperation with the IOM and partially funded by foreign grants, offered assistance to trafficking victims in the form of crisis counseling, professional referrals, and reintegration assistance. The government provided its Center for Asylum Seekers as a shelter for trafficking victims. At year's end only 17 victims had sought assistance.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible.

In 2003 the LCHRES and the Mental Disability Advocacy Center stated that “the review procedure for detention on grounds of mental disability fails to meet human rights standards, the criteria for compulsory admission into psychiatric institutions are too broad, and the provisions on consent to treatment does not meet international principles.” The NHRO further stated that committed patients suffered abridged rights that prevented them from corresponding with relatives and placed arbitrary restrictions on freedom of communication.

National/Racial/Ethnic Minorities.—The Ministry of Social Integration and the National Human Rights Office is responsible for the protection of minority rights.

During the year attacks against racial minorities were a problem.

During the year there were four reported violent attacks against racial minorities, including one against the head of the country's African-Latvian community NGO and another against a Sri Lankan medical student. The NGO leader's attackers

chased him through the city and threatened to kill him before bystanders intervened and called the police. No attacks resulted in death. Misdemeanor charges were brought against some of the perpetrators. In response to these incidents, the president, prime minister, social integration minister, and foreign minister all spoke out against racism and racist violence. The interior ministry has reached out to NGOs and minority groups and adjusted its police patrolling patterns to counter racist violence. There was limited improvement in the effectiveness of prosecution of such crimes; most perpetrators were charged with petty hooliganism, a misdemeanor offense. The Ministry of Interior has begun educating the police force about hate crimes and the proper methods of investigation.

The Roma faced high levels of unemployment and illiteracy, as well as widespread societal discrimination.

Other Societal Abuses and Discrimination.—Societal violence and discrimination against homosexuals was a problem. For example, in July the Riga city government, after coming under criticism from the prime minister, various political parties, and religious groups, revoked the permit that it had issued for the country's first gay pride parade. Although a local court eventually reinstated the permit, the prime minister criticized the planned parade, stating that the country is founded on Christian ethics and that holding the parade would be inappropriate. The transport minister called for the removal of Riga's mayor for complying with the court order.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers, except for the uniformed military and police, to form and join unions of their choice, without previous authorization or excessive requirements, and workers exercised this right in practice. As of 2003 approximately 18 percent of the workforce was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, and workers exercised this right in practice. The law recognizes the right to strike, subject to limitations including prolonged pre-strike procedures and prohibition of some types of solidarity strikes and political strikes. Workers generally exercised the right to strike during the year, but labor regulations prohibit judges, prosecutors, police, fire fighters, border guards, employees of state security institutions, prison guards, and military personnel from striking. A labor law addressing disputes identifies arbitration mechanisms that unions and members of the professions forbidden from striking may use in lieu of striking. There are no special laws or exemptions from regular labor laws in the four special economic zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law and policies protect children from exploitation in the workplace, including policies regarding acceptable working conditions, and the government effectively implemented these laws and policies in practice. The law restricts employment of those under the age of 18 by prohibiting night shift or overtime work. The statutory minimum age for employment of children is age 15, although children between the ages of 13 and 15 may work in certain jobs outside of school hours.

Children were trafficked for sexual exploitation, and child prostitution was also a problem (see section 5).

Inspectors from the Ministry of Welfare's State Labor Inspectorate were responsible for enforcing the child labor laws, and they enforced the laws effectively.

e. Acceptable Conditions of Work.—The legally mandated monthly minimum wage of approximately \$146 (80 lats) did not provide a decent standard of living for a worker and family. As of September the actual average monthly wage was \$427 (246 lats). The State Revenue Service is responsible for enforcing the minimum wage regulations, and they effectively enforced them.

The law provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly. There is a prohibition on excessive compulsory overtime. Premium pay is one of the ways workers may be remunerated for overtime.

The laws establish minimum occupational health and safety standards for the workplace, which were effectively enforced. Workers have the legal right to remove themselves from situations that endangered health or safety without endangering their continued employment; however, authorities did not enforce this right.

LIECHTENSTEIN

The Principality of Liechtenstein, with a population of approximately 34 thousand, is a constitutional monarchy with a parliamentary government. The parliament nominates and the monarch appoints the members of the government. A two-party coalition government was formed after free and fair parliamentary elections in March. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. The following human rights problem was reported:

- violence against women, including spousal abuse

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. In December 2004 the Council of Europe's (COE) Commissioner for Human Rights visited the only prison and reported that it generally met international standards.

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 security forces are composed of the regular and auxiliary police under the interior ministry. There is no standing military force. Corruption and impunity were not problems. Police automatically report allegations of misconduct to the prosecutor's office, and any person subject to wrongful police action also can file a complaint with the chief of police. A failure of either the prosecutor's office or the chief of police to open an investigation can be appealed to the government and, subsequently, to the administrative courts.

Arrest and Detention.—Police arrest a suspect based on an arrest warrant issued by the national court. Within 48 hours of arrest, police must bring suspects before an examining magistrate who must either file formal charges or order release. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspects are a danger to society or would not appear for trial. The law grants suspects the right to legal counsel of their own choosing, and counsel was provided at government expense to indigent persons. However, the law does not grant a suspect access to a lawyer at the time of detention but only after an examining magistrate has filed formal charges. During police detention visits are commonly not allowed, although in practice suspects may inform family members. During investigative detention, visits can be monitored to prevent tampering with evidence.

The COE's Commissioner for Human Rights in May criticized the fact that the law did not guarantee prompt access to legal counsel at the outset of detention.

In 2004 the UN Human Rights Commission (UNHRC) expressed similar concerns about shortcomings in the protection of arrested or detained persons, noting that the law does not require informing them of their right to remain silent, their right to be brought promptly before a judge, and to have access to legal counsel. In response to these criticisms, police internal regulations issued in December 2004 instructed staff to grant suspects access to a lawyer upon request.

There were no reports of political detainees.

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

The judicial system has three tiers: a court of first instance, the appellate court, and the supreme court. The court of first instance is the national court. In addition, an administrative court hears appeals against government decisions. The state court protects the rights accorded by the constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the government.

In 2004 the UNHRC expressed concern that the mechanism for appointment and tenure of judges may not be compatible with the principle of the independence of the judiciary.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials involving minor offenses were heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases, including murder, by a public jury. The law grants defendants the right to legal counsel of their own choosing, and counsel was provided at government expense to indigent persons. Defendants may challenge witnesses or evidence and present witnesses or evidence on their own behalf. Defendants are presumed innocent and have access to government-held evidence relevant to their case. Convicts had the right to appeal, ultimately to the supreme court.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

The Roman Catholic Church is the official state church, and its finances are integrated directly into the budgets of the national and local governments. The government also provided financial support to the Protestant and Christian Orthodox communities.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but the authorities routinely granted exemptions for children whose parents requested them.

The COE's Commissioner for Human Rights in May criticized the fact that standing policy favored the Catholic Church over other religious communities in the distribution of state subsidies and urged the government to review its policies to ensure an equitable distribution of these funds. In 2004 the UNHRC also expressed concern about the unequal treatment of different religious denominations in the allocation of public funds. The issue of state subsidies to religious communities form part of the government sponsored discussions to reach consensus on the redefinition of the relationship between the state and the Roman Catholic Church.

Societal Abuses and Discrimination.—In a 2004 report the UNHRC found evidence of religious intolerance and discrimination against Muslims (see section 5).

There were no reports of anti-Semitic acts. According to 2002 data, there were 18 members of the Jewish community.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law does not prohibit forced exile, but the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status in one instance during the year.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to two persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

A trilateral agreement with Switzerland and Austria requires the government to return persons who enter from Austria or Switzerland without permission to the respective authorities.

The government used a list of “safe countries of origin” to decide asylum applications; the list was identical to the list used by the government of Switzerland.

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

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

Elections and Political Participation.—Parliamentary elections, considered free and fair, were held in March; the center-right Progressive Citizens’ Party won 12 seats, the center-left Fatherland Union won 10 seats, and the green-alternative Free List won 3 seats in the 25-member parliament.

The monarchy is hereditary in the male line. Prince Hans-Adam II is the head of state. Since August 2004, Hereditary Prince Alois has taken on the duties of head of state, exercising the rights of office on behalf of the Reigning Prince. All legislation enacted by the parliament must have the concurrence of the monarch and the prime minister.

There were 6 women in the 25-seat parliament and 1 woman in the 5-seat cabinet.

There were no known members of minorities in the government.

Government Corruption and Transparency.—There were no reports of government corruption during the year.

The law requires the government to inform the public of its activities, and government information was available freely to all persons living in the country, including foreign media.

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

A few 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.

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

The law prohibits discrimination on the basis of race, gender, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group.

Women.—Violence against women, including spousal abuse, was a problem. Frauenhaus, a woman’s shelter nongovernmental organization (NGO), stated that one out of five women was a victim of domestic violence. The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. According to police, there were 20 police interventions in cases of domestic violence during the year, in which three male aggressors were prevented from reentering the family home for 10 days and six for a further period of three months. The government may file charges without a complaint from the victim. Frauenhaus provided refuge for battered women, including non-residents, and dependent children.

In 2004 the government concluded a joint project with Swiss and Austrian neighboring regions to combat domestic violence with additional awareness-raising activities and issued a best-practice guideline in several languages for affected friends and relatives.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. Spousal rape has the same penalties as rape under other circumstances. The sentence may be lowered if the victim decides to remain with the abusive spouse. There were nine prosecutions for rape resulting in three convictions during the year. One case remained pending at year’s end. Police statistics do not separately record spousal rape.

Public soliciting by prostitutes is illegal; however, police tolerated prostitution in the country’s few nightclubs. Any person leading another into prostitution faces up to six months in prison or heavy fines, or both, and up to three years in prison if the victim was under 18. The police closely monitored prostitutes’ working conditions and salaries but acknowledged that some foreign middlemen employed women working in the country.

NGOs believed that trafficking in women occurred; however, no specific cases were documented during the year (see section 5, Trafficking).

Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Employers are required to take reasonable measures to prevent sexual harassment, and failing to do so may entail damages to a victim of up to \$32 thousand (40 thousand Swiss francs). There were 14 proceedings for sexual harassment during the year resulting in five convictions. One case remained pending at year's end.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. But societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earned more than women, and women generally did not receive equal pay for equal work.

Children.—The government was committed to children's rights and welfare and funded a system of public education and health care. Education is universal and compulsory until the ninth grade; it is free through the end of high school. Virtually all school-age children attend school. Approximately 50 percent complete professional, vocational, or technical training, with another 30 percent going on to earn higher-level specialized or university degrees.

The government provided free health care for children under the age of 16, to which boys and girls had equal access.

There were some reports of abuse of children. During the year there were eight prosecutions but no convictions for child abuse. Four cases remained pending at year's end. In April the commission for the coordination of professionals in cases of sexual offenses against children published a brochure for professionals likely to be confronted with child abuse that included best practice guidelines to facilitate the exchange of information between all parties. Each year the commission generally was contacted in 12 to 14 cases of suspected sexual abuse.

Possession of child pornographic material is a statutory offense. The government has extended the statute of limitation for sexual offenses against children. In January an amendment to the Code of Criminal Procedure was implemented that takes special account of the protective needs of young victims of crimes or victims of sexual offenses. In January the national court fined a 28-year-old citizen \$22,500 (28 thousand Swiss francs) for possession of child pornographic material.

The government supported programs to protect the rights of children and matched contributions made to three NGOs that monitored children's rights. The office for social services oversaw the implementation of government-supported programs for children and youth.

Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country; however, some NGOs believed that trafficking in women occurred but was not reported.

In May the COE's Commissioner for Human Rights expressed concern that the temporary immigration status in conjunction with the precarious economic situation of the majority of foreign cabaret dancers increased the risk of them falling prey to trafficking networks and called on the authorities to be vigilant in monitoring respect of contractual obligations by the hiring night club owners.

Persons with Disabilities.—Although the law does not prohibit discrimination against persons with disabilities, there was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law requires that government buildings and services be made accessible to persons with disabilities, and the government generally enforced these provisions in practice.

National/Racial/Ethnic Minorities.—In 2004 the UNHRC expressed concern about the persistence of xenophobia and intolerance, especially against Muslims and persons of Turkish origin.

Rightwing extremists, including skinheads, were publicly active during the year, but their numbers were no more than 20 to 40. There were some reports of skinhead incidents but none involving racially motivated attacks on foreigners or ethnic minorities during the year. The government continued to monitor right-wing groups. A government advisory commission attempted to raise public awareness in order to address the problem of acts of violence in public areas such as schools and playgrounds. A commission is working on guidelines to reduce violence at public events. During the year police dealt with a few isolated incidents of random violence at public festivals, which targeted neither foreigners nor minorities and involved intoxicated skinheads.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including foreigners, are free to associate, join unions of their choice, and select their own union

representatives, and workers exercised these rights in practice. Due to the country's small size and population, there was only one trade union, which represented approximately 13 percent of the work force. The law does not prohibit antiunion discrimination, but there were no reports that antiunion discrimination occurred.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of workers to organize and bargain collectively. About 25 percent of workers were covered by collective bargaining agreements. Workers have the right to strike except in certain essential services. No strikes occurred during the year; there were no reports of denials of the right to strike.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children less than 16 years of age. However, exceptions may be made for the limited employment of children age 14 and over and for those who leave school after completing nine years of compulsory education. Children age 14 and older may be employed in light duties for not more than 9 hours per week during the school year and 15 hours per week at other times.

On May 1, a new ordinance was implemented that outlaws labor that subjects children to physical, psychological, moral, or sexual abuse.

The government devoted adequate resources and oversight to child labor policies, and the department for worker safety of the office of the national economy effectively supervised compliance with the law. The department for worker safety completed 248 onsite inspections during the year but found no major violations of the law.

e. Acceptable Conditions of Work.—There was no national minimum wage; however, the average daily wage provided a decent standard of living for a worker and family.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel and 48 hours for all other workers. The law provides for a daily mandatory 1-hour break and an 11-hour rest period for full-time workers, and, with few exceptions, Sunday work was not allowed. Pay for overtime was required to be at least at a 25 percent higher pay rate and overtime generally was restricted to 2 hours per day. Over a period of four months the average total work week including overtime must not exceed 48 hours.

The law sets occupational health and safety standards, and the department for worker safety generally enforced these provisions effectively. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and workers exercised this right in practice.

LITHUANIA

Lithuania, with a population of approximately 3.4 million, is a constitutional, multiparty, parliamentary democracy. In June 2004 citizens elected President Valdas Adamkus and Prime Minister Algirdas Mykolas Brazauskas in generally free and fair elections. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. The following human rights problems were reported:

- poor prison conditions
- police abuse or mistreatment of detainees and misapplication of detention laws
- restrictions on privacy rights
- increased anti-Semitic incidents
- societal violence against women
- child abuse
- trafficking in persons for sexual exploitation
- limits on workers' rights

RESPECT FOR HUMAN RIGHTS

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

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

Both the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes and the Prosecutor General's Office continued investigations of genocide, war crimes, and crimes against humanity related to Nazi crimes committed against Jews during World War II. From January to October, the Prosecutor General's Office initiated three pretrial investigations and continued investigations in 23 cases related to Nazi crimes. In September, following pretrial investigation, the government brought criminal charges against Algimantas Mykolas Dailide, alleging collaboration with Nazis and persecution of Jews.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits inhuman or degrading treatment or punishment; however, at times police beat or otherwise physically mistreated detainees, although such incidents continued to decline. The law does not specifically prohibit torture; however, it could be considered an aggravating factor in the commission of other crimes.

From January to June, the Ombudsman's Office received isolated complaints that officials used force to obtain evidence in pretrial investigations. The ombudsman investigated a complaint alleging the transfer of a diabetic suspect, in custody during pretrial investigation, to a facility unable to meet her medical needs. Considering the transfer a form of psychological pressure to coerce testimony, the ombudsman ordered the suspect's release and requested the police commissioner general to investigate the case and take measures to prevent such recurrences. Prosecutors initiated a pretrial investigation but closed it for lack of evidence.

In February local media reported a complaint that Alytus police bound and beat a suspect in custody. A police investigation failed to confirm that the officers involved had committed a crime, and the authorities did not indict them.

Incidents of noncommissioned military officers hazing recruits increased during the year. The military police opened 11 hazing-related criminal cases, compared with 7 such cases in 2004. The military police terminated one pretrial investigation due to lack of evidence of criminal acts. Most reports of hazing alleged that higher-ranking officers beat soldiers or subjected them to psychological pressure. An unconfirmed press account alleged that in a hazing incident superiors placed plastic bags on soldiers' heads. In 2004 investigators passed four of the seven cases opened by the military police to the Prosecutor's Office. (Of the other three, investigators closed one case due a lack of evidence; the victim and the accused reached an agreement to close a second case; and one investigation remained pending at year's end.)

Prison and Detention Center Conditions.—Prison conditions remained poor and life threatening. Inadequate sanitation, overcrowding, and limited access to medical services persisted. Completed reconstruction of several prisons reduced overcrowding.

Parliament controllers noted a marked increase in complaints from prisons and pretrial investigation detention facilities during the year. They also noted a marked decrease in complaints from investigation wards and that prolonged transfer of suspects to interrogation facilities continued. Prison authorities arbitrarily restricted rights of prisoners who had good conduct records, arbitrarily interfered with inmates' correspondence, separated prisoners with HIV, and did not ensure access to medical services in jails. Arrested and detained persons generally suffered worse living conditions than did convicted persons. By December the controllers received 283 complaints, 103 more than in all of 2004. Most complaints were related to prison conditions and actions of prisons department personnel. Investigators determined that 30 were justified, and 91 were outside the parliamentary controllers' purview.

From January to November, 23 prison inmates died (10 by suicide, 11 of natural causes, 1 as a result of an accident, and 1 killed by another inmate), compared with 11 inmate deaths in 2004. The prisons department reported that the lack of mental health treatment for inmates could have contributed to the increase in suicides.

From January to November, there were 59 injuries inflicted by other inmates, more than twice as many as in 2004, and 62 self-inflicted injuries, also an increase from 2004.

From January to November, 3 detainees in jails committed suicide, and 62 injured themselves in protests against authorities.

As of June two correctional institutions remained seriously overcrowded. For example, the Siauliai facility, designed for 350 persons, held 665 inmates. Additionally, controllers concluded that conditions in the jails in the towns of Ukmerge,

Anyksčiai, and Zarasai were unfit for use. Unlike in the preceding year, the ombudsman received no complaints that inmates were paid for fewer hours than they worked.

Unlike in the preceding year, there were no reported acts of violence in juvenile detention facilities.

Parliamentary controllers also instructed the prisons department to improve accounting practices for prisoners' labor on holidays and days off. The need for the instruction arose after investigators discovered that an inmate in the Marijampole correctional institution was assigned to work in the facility's canteen for 6 hours a day, up to 17 days consecutively, with neither the mandatory 2-day weekly break and holidays, nor appropriate compensation. After controllers intervened, the inmate received compensation.

Pretrial detainees were generally held separately from convicted criminals, but there were reports that police held individuals in jail for minor offenses together with criminal suspects.

The government continued reconstructing correctional facilities and increased funding for prisoner rehabilitation and job training.

The government permitted visits to prisons by independent human rights observers and researchers.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, there were instances of prolonged pretrial detention.

Role of the Police and Security Apparatus.—A unified national police force is responsible for law enforcement, and it consists of the public and criminal police. The police department, which oversees both units, operates under the authority of the Ministry of Interior. The State Security Department is responsible for internal security, intelligence operations, and reports to parliament and the president. The security forces are generally effective.

Corruption in the police system remained a problem. Transparency International reported that the police force was among the country's most corrupt institutions but that lower ranking officials were more corrupt than their superiors. Although police officers and other government officials occasionally exceeded official authority, they were subject to prosecution or punishment for doing so. The Inspector General's Office and the police department's Internal Investigation Division investigated police abuse. Prosecutors and parliamentary controllers carried out independent investigations.

From January to November, 22 police officers were found guilty of abuse of power. By December controllers had investigated 212 complaints regarding police activities and determined 50 to be justified. Authorities disciplined the police officers involved. In most cases police officers faced administrative disciplinary actions such as demotions or reprimands.

In July the anticorruption Special Investigation Service initiated charges against the head of the Vilnius police for abuse of power. Following a series of scandals, the former police chief resigned from office.

Arrest and Detention.—Warrants are required for arrest and are granted by judges upon the presentation of reliable evidence of criminal activity. Police are allowed to detain suspects for up to 48 hours. There were no complaints of failure to inform detainees of the charges against them. Bail is available and was used widely. The law provides for the right to an attorney from the moment of detention and, if indigent, to one provided by the state; however, this right was not always respected. The law provides a person in detention the right to a prompt judicial determination of the legality of the detention, and authorities effectively respected this right in practice.

In August police arrested and detained a suspect but did not allow him to meet with his lawyer during the first day of his detention. Parliamentary controllers verified the complaint, and the officers involved received written warnings.

In July the parliamentary controllers received a complaint that authorities had transferred a detainee from one jail to another over the course of 15 days in violation of standard procedures. In another complaint, a woman alleged that state border guard officers arrested her at her office, took her to a Vilnius police detention facility, and interrogated her without affording her due process protections.

There were no reports of political detainees.

Judges may order pretrial detention only to prevent flight or the commission of new crimes, to allow unhindered investigation, or to comply with extradition requests, and they may do so only in the case of felonies. The pretrial judge may detain a suspect for up to three months. In exceptional cases the detention may be extended to 18 months (12 months for juveniles). The detainee or his or her counsel

may appeal to a higher court the imposition of the detention and the extension. The law provides for liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. For the period from January through June, the average length of pretrial detention was approximately 4 months, and 13 percent of the incarcerated population were pretrial detainees.

Parliamentary controllers reported that the number of prolonged pretrial detention complaints has gradually decreased.

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

The law provides for a four-tier court system: the Supreme Court, the Court of Appeals, district courts, and local courts. The law also provides for a constitutional court and specialized courts for consideration of cases involving administrative, labor, and family problems.

District courts hear juvenile criminal cases and cases related to children's rights (including domestic adoption and paternity matters). The local courts are tribunals of first instance for criminal, civil, administrative offences, and all cases that are not assigned by law to other courts. The constitutional court reviews the constitutionality of laws and other legal acts, as well as actions by the president and the cabinet. The primary function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation.

Trial Procedures.—The law establishes the right to legal counsel for defendants and provides legal assistance for indigent persons. Parliament's ombudsman reported only isolated cases of authorities' impeding the right to counsel during the year. The continuing shortage of lawyers also contributed to the right to counsel being impeded. Despite government efforts, legal assistance was not always available. Defendants have access to government evidence and may present evidence and witnesses. Defendants enjoy a presumption of innocence and can confront or question witnesses against them. The law permits trials in absentia when a defendant is outside the country and avoids trial. Local human rights experts criticized these provisions, because in such trials defendants do not cross-examine witnesses or present their own defense. Defendants have the right to appeal. Trials are public but juries are not used.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits these actions; however, there were reports that the government did not respect these prohibitions in practice.

The law requires a judge's authorization to search an individual's premises and prohibits indiscriminate monitoring of the correspondence or communications of citizens. However, local human rights groups allege that the government did not properly enforce these laws.

From January to August, the State Data Protection Inspectorate (SDPI) conducted 294 investigations of interference with privacy. Most of the violations involved the failure to report processing personal data, violations of processing rules, and failure to inform individuals that their personal data was processed. The SDPI received one complaint of phone tapping during the year, and its investigation remained pending at year's end.

In May Vilnius police published on its Web site the name, age, place, and time of the violation, alcohol level, and penalties imposed on persons convicted of driving while intoxicated. Lawyers contended that such publication constituted government violation of privacy. In September a television program broadcast photographs of drivers whom police traffic cameras recorded violating traffic rules. The Human Rights Monitoring Institute urged the prime minister, the SDPI, parliament's Human Rights Committee, the Inspector of Journalists' Ethics, and other related institutions to assess the legality of publication and use of personal data from government sources. In October the SDPI began investigating operations of the Vilnius city administration, the Vilnius police, and a company that installs traffic cameras. The investigators concluded that the actions of the Vilnius city administration and the Vilnius police did not violate regulations. The SDPI, however, determined that the company responsible for the traffic cameras had committed an administrative violation and turned the case over to the Vilnius city court, where it was pending at the year's end.

Unlike in past years, there were no reports that doctors divulged confidential data about patients to employers and others.

During the year the European Court of Human Rights (ECHR) issued a judgment that the state discriminated against and violated the privacy of R. Rainys and A. Gasparavicius, former KGB employees. The two had complained that the govern-

ment had barred them from seeking employment in various private-sector fields until 2009, that they were deprived of their jobs in private sector, and that they were subjected to daily embarrassment on account of their past. Following the 2004 ECHR judgment in favor of plaintiffs Kestutis Dziautas and Juozas Sidabras in a similar case, the government introduced amendments to the law to lift its bars on employment; approval of the amendments remained pending at year's end. Several similar cases remained pending at the ECHR.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views. Radio and television included a mix of independent and state controlled stations. International media generally operated without restriction. Unlike in past years, the government neither blocked transmission of cable broadcasts nor imposed fines on channels.

In September 2004 Prime Minister Brazauskas filed a lawsuit for slander against television journalist Ruta Grineviciute, who had aired material allegedly from a pre-trial investigation material that appeared to implicate the prime minister in corruption. The Prosecutor General's Office launched a pre-trial investigation, which it terminated in January due to the lack of proof of a criminal act.

The law prohibits dissemination of information that is untrue and that is damaging to an individual's honor and dignity. Libel is punishable by a fine or imprisonment of up to one year, or up to two years for dissemination of libelous material through mass media.

In September a judge filed a lawsuit for slander against the deputy editor-in-chief of the daily *Respublika*, accusing the editor of running 27 defamatory articles. The case remained pending at year's end.

The government did not generally restrict access to the Internet; however, the government occasionally attempted to control its content. In September the Constitutional Court ruled that the government had not violated the constitutional guarantee of freedom of the press in shutting down the Kavkaz Chechen Independence Web site for disseminating objectionable or prohibited content on public media. In fact the court reasoned that the government had shut down the Web site to protect freedom of the press.

There were no government restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice; however, the government continued to ban the Communist Party of Lithuania and other organizations associated with the former Soviet regime (see section 3).

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. There is no state religion; however, some religious groups enjoyed special government benefits.

The law divides religious communities into state-recognized, traditional groups, and all others; however, in practice, a four-tier system exists: traditional, state-recognized, registered, and unregistered communities. The nine traditional religious communities receive special exemptions and rights not available to other religious group. Both traditional and nontraditional religious communities that are state-recognized may receive state subsidies; however, in practice only the traditional groups received the subsidies regularly. Registered religious communities did not receive the benefits and exemptions enjoyed by traditional and state-recognized communities, but they may act as legal entities and thus rent land for religious buildings. Unregistered communities have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

Applications for the status of a "state recognized religious association" filed by four religious associations since 1999 remained pending at year's end.

The government did not restrict activities of foreign missionary groups within the country; however, the government continued preferential treatment for missionaries from the nine traditional religions.

The law stipulates that state educational institutions may offer religious instruction only of traditional and other state-recognized religions; however, participation in religious classes is not mandatory, and parents can choose either religious instruction or secular ethics classes for their children.

The government conducted research on the Jewish community's property claims and continued negotiations for an agreement on the timetable and procedures for restitution.

Societal Abuses and Discrimination.—There were approximately four thousand Jews in the country, and the various Jewish communities were active. Anti-Semitism, which increased during the year, was manifest in the distribution, including through the Internet, of anti-Semitic proclamations and other materials; acts of vandalism against Jewish graves and monuments; and anti-Semitic statements made during public gatherings. There was an increase in anti-Semitic remarks by extremist and some more mainstream politicians, and the government acted against such statements made by politicians. The political leadership and most media outlets generally criticized anti-Semitic statements.

In April a Siauliai city council member started a nationalist political party with an anti-Semitic agenda. Politicians and high-ranking government officials publicly denounced the founder's statements, and at the recommendation of the state security department, the Siauliai prosecutor's office brought charges against the member; court proceedings were scheduled for January 2006.

In May several young people wearing Nazi-style uniforms and riding Nazi-era motorcycles drove past the Jewish community center in Vilnius, and community members heard the riders yell slogans glorifying Hitler and belittling Jews. The Vilnius city mayor immediately asked the police to investigate the incident. Police identified several suspects, and the Vilnius Prosecutor's Office initiated a pretrial investigation, which was ongoing at year's end.

In August a small, non-parliamentary political party, the Lithuanian Liberty Union, issued a public statement that Jews were assuming power in the country. The union urged people not to trust Jewish-owned banks or insurance companies. The State Security Department determined that there was insufficient evidence to support charges of ethnic hatred against Jews.

In 2004 the daily *Respublika* carried a series of editorials with obvious anti-Semitic overtones and the Prosecutor General's Office and the State Security Department launched pretrial investigations of *Respublika's* editor-in-chief Vitas Tomkus for inciting ethnic and racial hatred. In July the court found Tomkus guilty and fined him \$1,035 (3 thousand litas). In September the Supreme Administrative Court reversed the lower court's ruling, ostensibly because of prosecutorial error, and cancelled the fine. The Prosecutor General's Office November petition for the Supreme Administrative Court to reconsider the lawsuit against Tomkus remained pending at year's end.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

The law generally allows emigrants to retain citizenship. Nonetheless, Jewish and Polish minorities criticized the provisions for creating special conditions that enable "ethnic Lithuanian" emigrants to retain dual citizenship but deny citizenship to local minorities who "repatriate" to their "homeland" (for instance, Jews who returned to Israel or Poles to Poland).

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. Asylum seekers coming from a "safe country" of transit are prohibited from entering the country and are returned to the transit 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.—The presidential and parliamentary elections in 2004 were generally free and fair. However, there were complaints that campaign financing lacked transparency and reports of vote buying during the par-

liamentary elections. Some vote-buying charges centered on one party's populist campaign tactics of holding political rallies-cum-concerts and distributing candy or campaign paraphernalia. The court found guilty and fined three persons for vote-buying in the parliamentary elections.

In January an amendment increased the number of enrolled party members necessary to register a political party from 400 to 1 thousand. The government continued to ban the Communist Party.

There were 32 women in the 141-seat parliament, and there were 2 women in the 14-member cabinet. In July the Interior Ministry reported that more than 60 percent of civil servants were women and that women occupied 30 percent of the high-level positions within the government.

There were 9 minorities in the 141-seat parliament and 1 minority (Belarusian) in the 14-member cabinet.

Government Corruption and Transparency.—There were reports of government corruption during the year; however, the legislature took steps to identify corruption and strengthen oversight.

In June Viktor Uspaskich, the economy minister and the leader of the largest parliamentary party, resigned from the cabinet and parliament after a parliamentary commission found him guilty of conflict of interest. The Prosecutor General's Office initiated a pretrial investigation into accusations that Uspaskich presented fraudulent documents regarding his academic experience, and the pretrial investigation was ongoing at year's end.

In October a court sentenced a former parliamentarian to 18 months in a correctional institution for soliciting a bribe (in the form of a contribution to his campaign) while he was a member of parliament.

The Prosecutor General's Office continued investigations into allegations of corruption in the Vilnius municipal administration and on the part of Vilnius Mayor Arturas Zuokas. In December parliament approved conclusions of an ad hoc parliamentary commission that the mayor had received payments in exchange for ensuring that municipal decisions favored certain business interests. A local human rights organization regarded parliament's decision as interference in judicial process.

Polls indicated that corruption was most prevalent among mid-level civil servants, traffic police, university officials, and those working in the health sector.

The auditing committee, established by parliament in 2004, initiated investigations into such matters as property restitution, state procurement, public management of funds, and the collection agents' service. The government criticized some of the investigations as beyond the committee's purview.

The law provides for public access to government information, and government institutions generally provided access in practice. During the year, however, parliamentary controllers received some complaints regarding delays in providing information, the quality of the information provided, and, in the case of municipal institutions, failure to provide material requested. The ombudsman requested heads of institutions and other unit supervisors to consider disciplinary actions against the officials involved.

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

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

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

The law prohibits discrimination based on race, gender, social status, or ethnic background. In January the Equal Opportunities Law came into force, barring discrimination based on age, sexual orientation, disability, religion, or belief. In September parliament amended the law to provide penalties for discrimination on the basis of age, disability, race, ethnic origin, religion, and belief, where previously there were only penalties for sexual discrimination. Despite these programs and prohibitions, discrimination against women and minorities persisted.

Women.—Societal violence against women, particularly alcohol-related domestic violence, was a serious problem. The law does not specifically criminalize domestic violence; however, authorities prosecuted domestic violence under general assault laws. There was no authoritative information on the extent of the problem. Local human rights organizations and shelters noticed an increase in complaints about domestic violence, which they attributed to the effectiveness of outreach, prevention

programs, and crisis centers in encouraging victims of domestic violence to register complaints.

When such violence occurs in the home, the victim must file a complaint to initiate an investigation. Certain nongovernmental organizations (NGOs) maintained that few victims of domestic violence reported abuses to police because they preferred to avoid publicity and were not confident that the courts would punish their assailants. Only a few of the reported complaints reached the criminal court. The maximum penalty the courts imposed was two years' imprisonment. Observers criticized the government's ability to enforce the law prohibiting domestic violence. Since domestic violence is prosecuted under general assault laws, the data was not segregated, and no reliable information existed on either the number of complaints of domestic violence or the number of convictions resulting from these complaints.

Thirty-six women's shelters, operating with the funding and under the direction of NGOs or municipal governments, provided assistance to domestic violence victims. Shelters reported that the increase in women applying for assistance was attributable to the growing availability of services rather than an increase in violence against women. During the year the Vilnius-based Shelter for Children and Mothers provided assistance to 1,177 victims of domestic violence.

The law specifically criminalizes rape, including spousal rape. Persons convicted of rape generally received sentences of 3 to 5 years' imprisonment. During the year there were 265 rapes reported, almost 50 percent more than in 2004. Police were sometimes reluctant to act in cases of domestic abuse.

Prostitution is illegal but was a problem. The penalty for prostitution is a fine of \$107 to \$178 (300 to 500 litas) for a single offense and up to \$345 (1 thousand litas) for repeat offenses. According to law enforcement officials, three thousand to five thousand women engaged in prostitution in 2004.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

The law prohibited sexual harassment, but it was a problem. A 2004 survey reported that 14 percent of university students surveyed, most of them female, experienced sexual abuse from professors and university staff. The Equal Opportunities Ombudsman reported that the lack of authority to compel witnesses to testify, or to caution witnesses against presenting false evidence, hampered investigations of sexual harassment.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system; however, women continued to face discrimination. The Equal Opportunities Ombudsman is an independent agency, accountable to parliament, which oversees the implementation of the law and investigates complaints concerning age and gender discrimination, as well as age and gender complaints and sexual harassment. A May report of the Open Society Institute and the Equality Center stated that gender equality institutions existed exclusively in the large cities and that they provided inadequate outreach at the regional or local level.

National policy requires equal pay for equal work; however, employers often paid women less than their male counterparts. During the year a woman's average wage was 82 percent that of a man; in the public sector, women's wages were 71 percent those of men. Women were underrepresented significantly in some professions, business, and the managerial sector as a whole.

From January to October, the ombudsman received 113 complaints of discrimination, initiated 118 investigations (including 5 not based on complaints), and imposed 4 fines. Most complaints concerned either age discrimination in obtaining insurance, loans, and leases, or sexual discrimination in the workplace and labor market.

Children.—The government was committed to children's rights and welfare.

Public education was compulsory, free, and nearly universal for children through the age of 15. Approximately 1 percent of children under 15 did not attend school. According to a 2003 Education Ministry study, 94 percent of children completed primary education, 82 percent continued secondary education, and 69 percent entered universities.

Boys and girls had equal access to government-provided medical care.

Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. As of October, according to the children's rights ombudsman, approximately 36,900 children lived in 16,700 abusive or dysfunctional families. Several media sources reported that cruelty to children, including sexual abuse, intentional starvation, beatings, and killings, was common. Authorities reported that child abuse caused the death of 11 children during the first 11 months of the year. In August police found the body of a 7-month-old child, apparently a murder victim, in an apartment in Vilnius; the police investigation continued at year's end.

The children's rights ombudsman reported that the number of complaints of child abuse almost quadrupled from 122 complaints in 2004 to 430 complaints during the year. The ombudsman initiated 74 investigations, up from 15 in 2004. The ombudsman attributed the increase to greater awareness of children's rights and reporting, rather than an increase in violence against children. The parliament's board allocated additional staff and funding for the ombudsman during the year.

The penalty for violence or cruelty against minors is a prison term of one to two years. In addition, authorities may remove abused children from their families and place them in foster care. Despite government efforts to combat child abuse and aid abused children, the ombudsman reported that assistance for these children was insufficient.

There were rare reports of child abuse at state correctional institutions or in detention facilities. In September a study conducted by the Lithuanian Law Institute reported that children in orphanages continued to suffer physical abuse. The government relocated children from Soviet-style orphanages to residential foster families, thus permitting children to attend regular schools rather than orphanage schools. Foster families, however, did not always ensure adequate care for children. By year's end the children's rights ombudsman had received 23 complaints about violations of child's rights in orphanages and 10 complaints about such violations in foster homes.

The law provides for up to 13 years' imprisonment for sexual abuse of a child; however, sexual abuse of children was widespread. From January to November, the Interior Ministry registered 60 cases of child sexual abuse (excluding child rape), nearly twice the number of the preceding year. In 2004 a Vilnius hospital and the polling agency Market Analysis and Research Group conducted a survey of 18- to 20-year-olds, which indicated that 31 percent of those surveyed experienced sexual abuse during their childhood and adolescence, but the children's rights ombudsman stated that the survey exaggerated the number of victims. The government operated a children's rehabilitation center to provide special care for sexually abused children.

From January to October, the Child Line (a children's hotline) received more than 40 thousand calls from children, who complained about problematic relations with their parents and friends, violence in their families, and sexual abuse. The Child Line reported a marked increase in complaints about abuse and violence among children.

Trafficking of girls was a problem (see section 5, Trafficking).

Unlike in the previous year, there were no reports of exploitation of children in the production of pornography.

The children's rights ombudsman reported one case of child prostitution, a girl discovered working as a prostitute who was then placed in an orphanage under special care.

Several thousand children reportedly lived on the street. Sixty regional government children's rights protection agencies, other institutions, and numerous NGOs routinely assisted these children. Street children had full access to government sponsored free services. There were no reports of police abuse of street children.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, trafficking in women and girls for the purpose of sexual exploitation was a problem. International and local NGOs claimed that the problem increased despite significant efforts by the government to fight it.

In June new amendments strengthened penalties for trafficking in persons. The amendments increased prison sentences from 8 years to 12 years for trafficking in persons and from 7 years to 15 years for trade in children. The new legislation also fines people purchasing sex services approximately \$138 (400 litas) and exempts victims of human trafficking from prosecution.

Trafficking activity increased after the country joined the European Union in 2004. The government opened 24 criminal cases of trafficking in persons and referred 18 of these to the criminal court system. During the year 11 prosecutions ended in convictions, with sentences ranging from fines of \$345 (1 thousand litas) to 6 years' imprisonment. The government cooperated with other European governments on several cases of trafficking in persons. During the year police determined that nine women, including one minor, were victims of trafficking, and investigations in other cases continued at year's end.

The Ministries of Interior, Justice, Social Security and Labor, Education and Science, the Police Department, the State Border Guard Service, the General Prosecutor's Office, and the National Courts Administration are responsible for enforcement of trafficking laws.

Early in the year a joint government task force uncovered an organized crime gang that had transported nearly 100 young females from the country to England.

The gang included nine citizens, six of whom remained in detention awaiting trial at year's end. At least 11 victims escaped and reported the crime to the police. All victims were under 25 years of age, and some were juveniles.

In 2003 police detained five Lithuanian, Italian, and Spanish nationals believed to be members of an organized trafficking group. Their cases remained pending at year's end.

In April the government arrested and extradited a citizen of Costa Rica to his home country. The individual was the subject of an Interpol arrest warrant. In June a Lithuanian man was extradited to Germany on trafficking charges.

In late November the police detained five employees of model agencies amid allegations that the agencies were fronts for human trafficking to Western Europe and the United Arab Emirates.

The country was a source, transit point, and destination for trafficking in women and girls. Women from the country were primarily trafficked to Western Europe. Most women trafficked into or transiting the country were from Eastern Europe.

Europol estimated that over 1,200 women and girls were victims of human trafficking every year. The government estimated that approximately 1,000 to 1,500 women, many of them trafficking victims, left the country each year to engage in prostitution. In addition, women from Belarus, Russia, and Ukraine comprised approximately 12 percent of the country's prostitutes.

Traffickers targeted the socially most vulnerable groups: young females from poor or unstable families. Traffickers also commonly targeted young women from ethnic minorities. Many were lured by deceptive offers of jobs such as household helpers, bar dancers, nannies, nurses, models, or waitresses, or through false marriage advertisements. In many cases close relatives or friends made the offers. Victims' compliance was ensured via threats and the withholding of their documents. Families often were unaware of their predicament and believed that they had been kidnapped. Boarding schools that also serve as orphanages were new targets of traffickers.

Police reported that nearly half of traffickers were linked to organized crime, including international groups. The parliament's ombudsman was accused of violating the national laws governing public and private interests when he intervened in the proceedings of a Norwegian court case against a Lithuanian citizen accused of human trafficking. Although parliament defeated a resolution calling for his dismissal, the ombudsman nonetheless stepped down.

During the year parliament adopted legislation to impose fines on clients of prostitutes of approximately \$135 (390 litas) and exempt victims of human trafficking from administrative responsibility.

The government partially funded 15 day centers, which assisted various groups at risk, including victims of trafficking. The government also provided grants to 13 NGOs that offered trafficking victims assistance or temporary shelter. No formal screening and referral procedures existed, but police worked closely with these assistance providers.

Prevention programs focused on disseminating information, promoting awareness of trafficking, especially among at-risk populations, and engaging policymakers and community actors in finding solutions to the problem. Despite such government efforts, in June public opposition led the Sirvintos municipal government to block a plan to establish a halfway house and center for victims of trafficking. During the year the International Organization for Migration (IOM) and the Ministry of Social Affairs trained 34 social workers on trafficking prevention and on providing assistance to victims. The IOM also published a handbook about preventing human trafficking for teachers to use in schools.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The Equal Opportunities Ombudsman received complaints concerning discrimination against persons with disabilities. The law mandates access to buildings for persons with disabilities; however, the government generally did not enforce this provision in practice. Individuals involuntarily declared as incapacitated have no right to appeal the decision in court.

In May the Human Rights Monitoring Institute, the Global Initiatives in Psychiatry organization, the Fellowship for Care of Mentally Challenged People Viltis, and the Vilnius Center of Psycho-social Rehabilitation surveyed nine sanitariums and five mental institutions and found that the institutions and sanitariums were operating in gross violation of patients' rights to information, privacy, and freedom from torture. The survey reported discriminatory staff treatment that extended greater privileges to favored patients. The NGOs also reported violations of patients' rights to education and property. The study recommended making available 24-hour special community services in the workplaces and homes of persons with disabilities

and guaranteeing care to people suffering from serious mental disabilities. In response to the report, the Health Ministry presented to parliament a draft reform strategy for mental health care institutions, which was pending adoption at year's end.

The Ministry of Social Affairs and Labor and the Lithuanian Council for the Affairs of Disabled focused on developing equal opportunities in the labor market, improving government's effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities.

National/Racial/Ethnic Minorities.—Although the law prohibits discrimination of ethnic or national minorities, intolerance persisted.

Minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites constituted approximately 16.5 percent of the population. The small Romani community (approximately three thousand) experienced discrimination in education, employment, health care, housing, services, citizenship, and in contacts with the police. The Human Rights Monitoring Institute reported that Roma alleged mistreatment by the police. The Human Rights Monitoring Institute also reported that on two occasions restaurants in Vilnius refused to serve Romani patrons. There were also instances of ambulances reportedly refusing to respond to calls in a predominantly Romani community.

Minority advocates continued to criticize the Vilnius city government for focusing law enforcement attention on the Roma but doing little to integrate them into the broader community. After demolishing five allegedly illegal houses in a predominantly Roma area in December 2004, the municipality did not immediately relocate the displaced occupants. A woman with three children lived in a tent until the municipality offered housing at the end of the year. Four families found shelter with relatives or friends. Some Romani families agreed to move to public housing in other parts of the city. The ombudsman, who had attempted to intervene in the demolition of the Romani houses, referred this matter to court, where it was pending at year's end.

Although public sector employees are formally required to have a functional knowledge of the Lithuanian language, there was no documented evidence of job dismissals based on this language law. The authorities indicated that while the law's intent is to encourage competence in Lithuanian as the official language of the state, no one would be dismissed solely because of an inability to meet the language requirements.

Other Societal Abuses and Discrimination.—Local human rights organizations reported that homosexuals suffered permanent social exclusion. Members of the homosexual community reported discrimination because of their sexual orientation. Homosexuals suffered physical abuse on the street.

In September an informal organization, the Union of Honor and Nation, together with some radical public figures, held a demonstration against homosexuals, gay pride and gay rights parades, and the spread of homosexuality in the country. Local human rights organizations called the demonstration an instigation of enmity, which the law prohibits. The municipality that granted the demonstration permit stated that the organizers had not provided information about the hostile nature of the event.

Section 6. Workers Rights

a. The Right of Association.—The law allows workers, including members of the police and armed forces, to form and join unions of their choice, and workers exercised this right in practice. However, unions represented only approximately 10 percent of the workforce.

Unions must have at least 30 founding members in large enterprises or a membership of one-fifth of all employees in small enterprises to legally register. There were no reports of direct discrimination against members of unions. The law provides that trade unions shall be freely established and function independently. Although the law prohibits employee discrimination against union organizers and members, this prohibition was often ineffective in practice, and there were cases of employees punished for attempting to organize. According to the International Confederation of Free Trade Unions, no employer has yet "faced the penal sanctions foreseen by law for anti-union discrimination." Some large retail stores hired short-term contract labor and sometimes did not renew contracts of union members.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law protects collective bargaining for all workers except government employees involved in law enforcement and security-related work. The Lithuanian Tripartite Council, comprising representatives from labor, business, and govern-

ment, estimated that between 5 and 25 percent of workers were covered under collective bargaining agreements. The law provides for the right to strike, except for workers in essential services; however, labor code procedures made it difficult to exercise this right, and there were no official strikes during the year. The law provides that only a union or a union's strike committee may call a strike; thus employees without union representation are unable to strike legally. There are no special laws or exemptions from regular labor laws in the four free economic zones.

Managers often determined wages without regard to union preferences, except in large factories with well-organized unions. The government periodically issued guidelines for state enterprise management in setting wage scales.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws prohibit exploitation of children in the workplace, and the government generally enforced these laws effectively. There was at least one report of child labor concerning children working illegally in the agricultural sector for meager wages. In 2004 statistics indicated that 10 percent of children working did so illegally, mostly in the agricultural sector where children sometimes received unlawfully low compensation.

The law sets the minimum employment age at 16 but allows employment of 14-year-olds to perform light labor with the written consent of the child's parents and school. The law provides for reduced working hours for children, allowing up to 2 hours per day or 12 hours per week during the school year and up to 7 hours per day or 32 hours per week when school is not in session. Authorities generally enforced these laws.

In May the media reported that a number of school-age children performed farm fieldwork without contracts and received \$5.20 (15 litas) per day.

There was evidence of child prostitution and one confirmed report of trafficking of a teenager (see section 5).

The State Labor Inspectorate (SLI) is responsible for receiving complaints related to employment of persons under 18. Although the SLI conducted 4,134 investigations into reports of illegal employment between January and October, none of these investigations involved illegal child labor. There were a few instances of minor violations of the special employment provisions for workers under 18.

The ministries of social security and labor, education, health, and interior administered programs to protect children's rights.

e. Acceptable Conditions of Work.—In July the government increased the legal minimum wage to \$172 (550 litas) per month. The national minimum wage did not provide a decent standard of living for a worker and family.

The law provides that maximum working hours within a 7-day period, including overtime, may not exceed 48 hours. Overtime can be allowed only in cases stipulated by law and, along with night work, must be compensated at a minimum of 1.5 times the hourly rate.

The SLI is responsible for implementing the labor laws; from January to September, it conducted 24,762 inspections of companies. The most numerous abuses included wage arrears, illegal employment, violation of labor contracts, accounting for time off and hours worked, and unsatisfactory investigation of accidents. In September, following receipt of a complaint from the pretrial investigation institutions' trade union, the prisons department investigated working conditions of prison officers and guards in the Vilnius Lukiskes prison. The department found the conditions to be exceedingly poor, but prison authorities made no efforts to ameliorate the conditions. The prisons department presented the findings to the Justice Ministry, and in October the director of the prison resigned.

The law provides that workers have the right to safe and healthy working conditions, and this was generally enforced. Workers have the right, both in law and practice, to remove themselves from dangerous work environments without jeopardizing their continued employment. From January to August, the state labor inspection service recorded 41 fatal accidents at work.

LUXEMBOURG

Luxembourg, with a population of approximately 453 thousand, is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The prime minister is the leader of the dominant party in the popularly elected parliament. Free and fair par-

liamentary elections took place in June 2004. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- prison overcrowding
- trafficking of women for sexual exploitation

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison and Detention Center Conditions.—Prison conditions generally met international standards, but overcrowding was a problem. The government permitted visits by independent human rights observers. There were no visits of international human rights observers 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 grand ducal police and its investigative branch, the judiciary police, are responsible for law enforcement and maintenance of order within the country. The police force is under the direction of the Ministry of Justice. Neither corruption nor impunity was a problem. A special police body is in charge of investigating cases of police abuses. Police officers are required to attend training at the police academy, at least every two years.

Arrest and Detention.—Warrants, issued by a duly authorized official, are required for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must inform detainees of charges against them and bring them before a judge for a determination of the legality of the detention, and these rights were generally respected in practice. There is a functioning bail system, which judges freely employ. Detainees are given immediate access to an attorney, at government expense for indigents. Detainees are allowed prompt access to family members.

There were no reports of political detainees.

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

The judiciary is headed by the Supreme Court, whose members the grand duke appoints. One of the country's three justices of the peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two district courts heard more serious cases. The youth and guardianship court ruled on matters concerning the protection of young persons. An administrative court system reviewed citizen challenges to legislation. The Superior Court of Justice is composed of the *cour de cassation*, a court of appeal, and a department of public prosecution. The defendant or prosecutor may appeal verdicts in criminal cases to the administrative court and the administrative court of appeal before going to the Superior Court of Justice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public except for those involving sexual abuse or child abuse. There are no jury trials. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if defendants face serious criminal charges. Defendants need to ask the judge for permission to confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence; and have the right of appeal.

There were rarely used military and religious courts, which respect the aforementioned rights.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

There is no state religion, but the government provided financial support to some churches. Specifically, it paid the salaries of Roman Catholic, some Protestant, Greek, Russian, Romanian, and Serbian Orthodox, Anglican, and Jewish clergy, and several local governments maintained sectarian religious facilities. The Muslim community, desiring to receive similar government funding, named a national representative and single interlocutor for negotiations with the government; however there was no final agreement at year's end.

Societal Abuses and Discrimination.—There were no known acts of violence, or discrimination against religious minorities during the year.

There were no reports of anti-Semitic acts during the year, and there were approximately 600 members of the Jewish community.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The law provides for the possibility to grant temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to no one during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

Elections and Political Participation.—National parliamentary elections are held at least every five years. The most recent national parliamentary elections, held in June 2004, were considered free and fair.

There were 13 women in the 60-member parliament and 3 women in the 14-member cabinet. There were 15 women in the 32-member Supreme Court.

There was one citizen member of a minority in the 60-member parliament, and one citizen member of a minority in the government.

Government Corruption and Transparency.—There were no reports of government corruption during the year.

The law provides for public access to government information and the government freely provided access on its website and the Internet.

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

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

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Women.—Domestic violence occurred. The law prohibits domestic violence, and the government effectively enforced it. The law is gender neutral and provides that a batterer will be removed from the house for 10 days; this can be extended an additional 3 months. Police are responsible for pursuing the charges so that a victim cannot be intimidated into dropping charges. Penalties may include fines and imprisonment. If a person asks an NGO for assistance, the police must act proactively and to speak with the person. There were approximately 300 cases of police intervention relating to spousal abuse and 154 expulsions by the police of the abusing spouse.

There is a hotline for battered women. During the year government-sponsored NGO shelters provided refuge to approximately 450 women and 500 children. In addition, the government provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported that they received 1,056 telephone calls during the year. The government funded organizations that provided shelter, counseling, and hotlines.

The law specifically prohibits rape, including spousal rape, and stipulates penalties ranging between 5 and 19 years' imprisonment; the government enforced these laws effectively. There was a reported average of about ten rape cases per year.

Prostitution is legal, but the activities associated with organized prostitution, such as profiting from, aiding or abetting prostitutes are punishable by law. There have been no reports of police targeting prostitutes for abuse.

There were reports that women were trafficked to the country for sexual exploitation (see section 5).

Law prohibits sexual harassment, and the government generally enforced it.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The law mandates equal pay for equal work; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Ministry of Equal Opportunity is responsible for protecting the legal and social rights of women.

Children.—The government was strongly committed to children's rights and welfare. The law mandates school attendance from 4 through 15 years of age, and school attendance is universal through that age. Schooling was free through the secondary level, and the government provided some financial assistance for postsecondary education. Most students complete high school.

The government provided free medical care, and boys and girls had equal access.

Child abuse occurred. A physicians' organization estimated that approximately 200 cases of child abuse were reported during the year, resulting in 60 children receiving medical treatment. The government's hotline for young persons in distress received 370 calls during the year.

Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was a destination for women trafficked from Eastern Europe for the purpose of sexual exploitation. There were two confirmed reports of trafficking reported during the year. The law provides penalties from six months' to three years' imprisonment and monetary fines for trafficking. If there are aggravating circumstances, prison sentences can range from 1 to 10 years' imprisonment. The government effectively enforced the antitrafficking statutes. The Ministry of Justice with the involvement of the ministries of foreign affairs and equal opportunity as well as NGOs was responsible for the government's antitrafficking efforts. The prosecution of the one 2004 trafficking case was ongoing at year's end.

There were no government services specifically for victims of trafficking; however, two NGOs, which were fully financed by the government, provided shelter and counseling assistance to women in distress.

There were no government prevention programs specifically targeting trafficking at year's end.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. The law does not require accessibility for persons with disabilities, but the government paid subsidies to builders to construct "disabled-friendly" structures. Despite these government incentives, only a small proportion of buildings and public transportation vehicles have been modified to accommodate persons with disabilities. Aid for Handicapped Children, an NGO, is in charge of protecting the rights of persons with disabilities.

The government acknowledged that laws establishing quotas requiring businesses that employ over 25 persons to hire workers with disabilities and pay them prevailing wages were not applied or enforced consistently, and there was a particular problem in the case of persons with mental disabilities.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 50 percent of the workforce (including the trans-border workers) was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to collective bargaining, and workers exercised this right freely. Approximately 66 percent of workers are under collective bargaining agreements. The law provides for the right to strike, except for government workers who provide essential services, but no strikes occurred during the year. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The government's national conciliation office must certify that conciliation efforts have ended for a strike to be legal. There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively implemented laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The ministries of labor and education effectively enforced the child labor laws.

e. Acceptable Conditions of Work.—The national minimum wage for a single worker over the age of 18 was approximately \$1,390 (1,670 euros) per month for unskilled workers and approximately \$1,475 (1,770 euros) per month for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Sunday employment is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries must request permission for Sunday work, which the government granted on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage, or with compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. If employers did not honor the law, workers may successively ask for assistance at the labor inspection court and then the Superior Court of Justice.

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The labor inspectorate of the ministry of labor and the accident insurance agency of the social security ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the labor inspectorate to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

MACEDONIA

Macedonia is a parliamentary democracy with a population of approximately 2.1 million. Legislative authority is vested in the unicameral Sобрание (parliament). The president, Branko Crvenkovski, was elected to a five-year term in April 2004 in elections that were generally consistent with international standards, although there were election-day irregularities in some areas. Vlado Buckovski, prime minister since December 2004, presided over a multiethnic governing coalition. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights abuses were reported:

- police abuse of suspects, particularly during initial arrest and detention
- police harassment of ethnic minorities, particularly Roma
- impunity and corruption in the police force
- political pressure on the judiciary
- societal violence and discrimination against women, children and ethnic minorities, particularly Roma
- trafficking in women and girls for sexual exploitation
- government interference with union activity

The government took some steps to improve the protection of human rights. The interior ministry's sector for internal control and professional standards (PSU) worked to strengthen its ability to investigate charges of police abuses and corruption, and reports of such abuses were less frequent compared to past years. In November the interior ministry and international observers concluded a series of investigations into nine unresolved cases involving allegations of human rights abuses; the government provided information uncovered during the investigations to prosecutors. The government also somewhat strengthened efforts to prosecute trafficking cases.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Unlike the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

In December 2004 the PSU found the use of force justified in the police killing of a 21-year-old male student earlier that month during an attempt to arrest an armed fugitive in the student's apartment.

On April 22, a Skopje district court acquitted four persons—three former police officers and a businessman—implicated in the Rastanski Lozja case involving the 2002 police killing of seven South Asian illegal immigrants. Two other persons implicated in the case testified against their former coworkers in exchange for reduced sentences. The prosecution had charged that former interior minister Ljube Boskovski ordered the killings, ostensibly because the seven immigrants were terrorists who threatened foreign embassies in Skopje. The prosecution appealed the innocent verdict, but the appellate court had taken no action by year's end. The government applied for Boskovski's extradition from Croatia but was unable to secure extradition before Croatian authorities transferred Boskovski to the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague to stand trial on unrelated charges.

During the year the working group established in 2004 by the interior ministry and the international community to review unresolved human rights cases completed its investigation into all nine cases under its consideration. Although the identities of some officers responsible for reported abuses could not be determined, the working group supplied additional information to prosecutors in a majority of the cases under investigation.

At year's end an appeals court was reviewing the 2004 conviction of six of seven ethnic Albanians on terrorism charges for planting explosives in the center of Kumanovo and on railway tracks near that city that killed one person and injured several others in 2003. The appeals court rejected the appeal of the seventh defendant.

b. Disappearance.—There were no reports of politically motivated disappearances. The International Commission on Missing Persons closed its offices in the country in November 2004 after collecting blood samples from relatives of all persons missing from the 2001 conflict. The International Committee of the Red Cross (ICRC) estimated that 23 persons remained missing from the conflict.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police at times used excessive force during the apprehension of criminal suspects and sometimes abused prisoners.

There were credible reports that police used violence or harassed persons, particularly members of ethnic minorities. A coalition of NGOs recorded 100 allegations of police abuse involving 122 victims in the first 10 months of the year. The victims included 47 ethnic Albanians, 52 ethnic Macedonians, and 18 Roma. The PSU re-

ported receiving 54 complaints in 2004 that police used excessive force in the conduct of their duties; the PSU found that 22 of the complaints were justified. The interior ministry took a total of 331 disciplinary actions against police officers for misconduct.

In September the ombudsman announced that he had referred five cases against interior ministry employees to prosecutors for the mistreatment of civilians and other unspecified abuses. By year's end prosecutors had agreed to investigate one case and rejected another; the other three were still under review. The ombudsman also alleged that the interior ministry had failed to cooperate with his office's investigation, refusing to disclose the identities of officers involved in certain operations.

On June 30, according to one NGO, a Romani man was called into the Kicevo police station for questioning after persons under interrogation there accused him of participating in an altercation. The man alleged that the police then beat him, a Romani friend who came to his assistance, and a third Romani man who was also being questioned. The men filed charges on July 6, but the public prosecutor had not acted on them by year's end.

There were no developments reported on the European Roma Rights Center's (ERRC) filing of a criminal complaint in connection with the July 2004 police beating of two Romani men, Trajan Ibrahimov and Bergiun Ibrahimovic, in Skopje.

The ombudsman and public prosecutor continued to review the cases of two ethnic Albanians arrested and allegedly beaten by police near Stenkovec in October 2004. The suspects were charged with attempted murder of a taxi driver and illegal possession of firearms. The PSU investigation, conducted in cooperation with the European Union's (EU) Proxima police mission and completed in 2004, did not confirm the abuse allegations. The officers involved received additional training on the appropriate use of force.

In September border police fired several shots at persons illegally crossing the border from Greece and severely wounded an Albanian woman. A PSU investigation that month determined that the shooting was justified.

In April Ministry of Interior officials and international observers completed an investigation of allegation that security and counterintelligence officers in Kumanovo unlawfully detained and severely mistreated Avni Ajeti, who was convicted of mining the Skopje-Belgrade railroad and placing a bomb in the Kumanovo central square. The observers noted serious irregularities in authorities' handling of the case, including officers' failure to record Ajeti's detention or to obtain legal authority for detaining him longer than twenty-four hours. The observers further noted that these administrative failures prevented them from confirming or refuting the allegations against the counterintelligence officers.

An interior ministry investigation monitored by international observers into allegations that Selam Selami was illegally detained and abused by counterintelligence officers in 2002 ended in April without determining the exact circumstances of his detention. International monitors noted that the counterintelligence agency's inability to produce records relative to the case made it impossible to establish the cause of severe medical problems experienced by Selami while being held by the officers. Selami had been detained in connection with the shooting of two ethnic Macedonian police officers; charges against him were dropped the following year.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. In July the director of Skopje's Idrizovo prison was dismissed after one detainee was killed in an armed altercation between prisoners. Juvenile prisoners were supposed to be physically separated from adults; however, in one prison, juvenile and adult detention facilities were collocated.

The government generally routinely granted permission for visits to convicted prisoners by independent humanitarian organizations such as the ICRC and by the human rights ombudsman. The law allows access to pretrial detainees for family members, physicians, chiefs of diplomatic missions, and representatives from the European Committee for the Prevention of Torture (CPT) and the ICRC with the approval of the investigative judge. However, the ICRC was denied permission to visit two Albanian journalists detained for allegedly planning terrorist acts with an armed ethnic Albanian group of criminals in the Skopje suburb of Kondovo.

In November a delegation affiliated with the European Institute for Crime Prevention and Control conducted a visit of prisons. At the visit's conclusion, the delegation's chief publicly criticized the hygienic conditions and small cell sizes in the prison system.

The CPT was authorized to visit all places of detention, including numerous police stations, on a regular and ad hoc basis. In July 2004 the CPT carried out a week-long visit to the country; a report on the visit had not been released by year's end.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

Role of the Police and Security Apparatus.—The national police are a centralized force subordinate to the interior ministry that consists of uniformed police, criminal (civilian) police, and border police. In August the border police assumed full control of border operations from the military.

By year's end the EU's 185-member Proxima police mission, deployed in 2003 to assist police in former conflict areas and advise on interior ministry reforms, had departed and was replaced by a EU police advisory team consisting of approximately 30 police officers and advisors.

The police force remained largely ethnic Macedonian; however, the government took steps to improve ethnic minority representation, such as maintaining a 25 percent recruiting quota for ethnic minority recruits. During the year an additional 345 ethnic minority police officers completed training. The interior ministry has appointed 1,500 ethnic minority police officers since 2001. Ethnically mixed patrols usually operated in predominantly ethnic Albanian areas.

Interior ministry officials were slow at times to complete investigations and bring charges in outstanding human rights cases from previous years. International observers noted improved ministry response to investigating individual cases of police misconduct and more frequent and consistent disciplining of officers found guilty. However, they cited a limited range of disciplinary options and a restrictive statute of limitations for the punishment of police misconduct as factors that sometimes precluded appropriate sanctions.

The PSU, which is responsible for investigating corruption, completed a major corruption-related investigation in May. As a result of the investigation, charges were brought against seven police officers for abuse of their authority and soliciting bribes. During the year PSU investigations resulted in the discharge of four officers from the police force, reductions in pay for two others, and the voluntary retirement of a seventh. In September a Kavadarci court opened proceedings against an interior ministry administrator involved in a 2004 corruption case, while prosecutors investigating a second administrator in Skopje declined to pursue the case, citing insufficient evidence.

Arrest and Detention.—The law requires warrants for arrest and detention and police generally appeared to follow those requirements in practice. While the law provides that a detainee must be arraigned in court within 24 hours of arrest, police at times violated this requirement, often by transferring the suspect from one police station to another to avoid exceeding a 24-hour period of detention at a location. Detention of suspects for longer than 24 hours may only be ordered by investigative judges upon request of a prosecutor, and this generally occurred in practice.

There is a functioning bail system that was used primarily by the courts in property-related crimes such as fraud, tax evasion, embezzlement, and abuse of official position. The courts were reluctant to approve bail for defendants accused of violent crimes or crimes against children.

The law permits a detainee to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings, but such access must be approved by an investigative judge and the warden of the detention facility. While investigative judges and wardens generally approved such access, there were occasional reports that detainees were denied access to an attorney during police and investigative proceedings.

There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. At year's end the ombudsman was investigating allegations that two ethnic Albanian suspects in a July 15 bomb attack on a Skopje police station were detained without proper legal authority; a PSU investigation determined there were no irregularities involved in the arrest and detention of the two men.

There were no reports of political detainees. In the Rastanski Lozja case, opposition parties backing the defendants alleged that investigative and trial judges, under pressure from the government, improperly extended pretrial detention for political reasons.

The law sets the maximum length of pretrial detention at 180 days; however, NGOs, as well as some legal experts, contended that the judiciary sometimes abused its detention authority. Defendants freed on bail often failed to show up for court proceedings. There were some reports of government pressure to order pretrial detention in cases where other means of guaranteeing the presence of defendants at trial could have been utilized; however, there were fewer reports of this practice than in 2004.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the judiciary was generally weak, at times inefficient, and occasionally influenced by political pressure, intimidation, and corruption. Programs for witness protection did not operate effectively.

The court system is three-tiered and composed of basic courts, appellate courts, and the Supreme Court. The Constitutional Court is not considered part of the judicial branch and deals with matters of constitutional interpretation and certain human rights protection issues.

In December parliament adopted constitutional amendments that envisage a series of administrative reforms to improve the independence and effectiveness of the justice system, including a new procedure for the selection of judges and establishment of a separate court system for minor offenses. The amendments are part of the government's judicial reform strategy, which entails an increase in salaries for prosecutors and judges, as well as the recruitment of approximately 140 new law clerks to help the judiciary reduce the backlog of 1.2 million cases.

The chief public prosecutor accused some lower courts of being inefficient or influenced by political factors, which he said resulted in prolonged trials and an inability to reach final judgments in high-profile corruption or other sensitive cases. In particular he criticized a series of delays in the Rastanski Lozja trial, which involved suspects linked to former interior minister Boskovski. He also publicly complained that his position did not grant him sufficient independence to fully exercise his powers.

The state anticorruption commission reviewed cases of alleged corruption, conflict of interest, and nepotism. It issued several opinions, which frequently included recommendations that the prosecutor initiate criminal actions against judges where there was sufficient evidence of corruption. During the year the republic judicial council (RJC) proposed to the parliament that 10 judges be dismissed on grounds of unprofessional or unethical behavior; 6 were removed, including the president of the largest court of first instance in the country. In one case a former judge from Kocani was sentenced to nine months in prison for abuse of official position. The new special prosecutor's Unit Against Organized Crime brought bribery charges against the former public prosecutor of Stip, and the Kocani basic court sentenced him to one year in prison.

Trial Procedures.—Court proceedings were open to the public except in limited cases, such as trials involving minors or in which the personal safety of the defendant was at risk. Juries are not used. Trials are presided over by judges; two to three community-member consulting jurors assist each judge in determining the verdict, although the judge generally makes the final decision regarding the sentence. The law provides for the presumption of innocence, the right to consult an attorney in a timely manner in pretrial and trial proceedings, the right to an appeal, and the right to stand trial within a reasonable period of time after charges are filed. These rights were generally respected in practice; however, lengthy legal procedures and delays were a problem, and access to attorneys was sometimes not granted in a timely manner. Defendants were entitled to have access to government-held evidence, but this did not always occur in practice. The law requires that indigent defendants be given access to attorneys, and this requirement was generally respected in practice.

The law provides that trials may be held in absentia so long as they are repeated if the convicted individuals later become accessible to justice officials.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice. Unlike in the previous year, there were no reports that the government illegally used wiretaps to collect information on suspected criminals, although some opposition politicians alleged that the interior ministry used wiretaps for political purposes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Media were divided along ethnic lines, with the most striking divisions visible in reports on controversial political issues.

There were no official government-controlled print media. Foreign newspapers and magazines were available throughout the country.

Macedonian Radio and Television (MRTV), which generally favored the government view on political issues, was the sole public broadcaster in the country.

There were 5 private television broadcasters with national coverage and more than 50 private local television stations. A variety of independent radio stations broadcast throughout the country.

There were two news agencies, the state-owned Macedonian Information Agency (MIA) and private Makfax.

In November a Skopje district court sentenced a journalist from Albania, Rajmonda Malecka, and her father to five years in prison for allegedly planning terrorist acts in the Skopje suburb of Kondovo. Police reportedly found a videocassette with footage of an armed group in Kondovo in the suspects' possession when they arrested them in April. An appeals court had remanded the case to the district court in September.

The law provides that defamation, libel, and slander may be punished by prison sentences and fines. During the year media representatives and some international observers pushed for the decriminalization of libel and slander.

Some new cases of libel or slander were brought before the courts, and there were developments in earlier slander cases. Goran Mihajlovski, owner of the tabloid *Vest*, appeared in court in December on libel charges related to his newspaper's allegations that the pharmaceutical company Replek tried to sell unlicensed medications in the country. In December A1 Television journalist Biljana Sekulovska appeared in court on libel charges related to her criticism of the judge presiding over a trafficking-in-persons case involving Dilaver Bojku Leku. During the year *Start* journalist Marjan Gjurovski was acquitted on charges of slander filed in 2004 by former director of the Public Security Bureau Goran Mitevski.

No progress was made in the two police investigations into a 2003 incident in Aracinovo, where local residents physically prevented MTV, Sitel, and Telma television from reporting on local protests. Several journalists sustained injuries in the confrontation.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for the freedom of assembly, and the government generally respected this right in practice; however, the interior ministry requires approval of any religious gathering held outside of specific religious facilities and limits such gatherings to registered religious groups (see section 2.c.).

Unlike in the previous year, there were no reports of police using force or tear gas to break up protests.

Freedom of Association.—The law provides for the freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship.

The law requires religious groups to register with the State Committee on Relations with Religious Communities. A number of specific requirements for the registration of religious groups were struck down by the Constitutional Court in 1998 and 1999. Consequently there was confusion over which registration procedures still applied.

At year's end the appeal of the Orthodox Archbishopric of Ohrid, an affiliate of the Serbian Orthodox Church, of a November 2004 state committee decision to deny it registration was pending before the Supreme Court. The committee's decision was based on a law that allows only one religious community to be registered for each confession; the Macedonian Orthodox Church had been registered as a religious community since Macedonia's independence.

The law requires a group to have a government "opinion" in order to obtain a permit to build a religious facility. However, Constitutional Court rulings in 1998 and 1999 struck down sections of the law that authorized the government to provide an opinion, thereby effectively blocking religious groups from obtaining construction permits for worship facilities. In practice the government generally did not take action against religious buildings lacking permits.

The law somewhat restricts the establishment of places of worship, for example, by requiring that a permit be obtained at least 15 days in advance for services in places not specified in the law. The law also states that religious activities "shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights" of persons who are not members of that particular religion. The government did not actively enforce most of these provisions but acted upon complaints when they were received.

Although a permit or permission is not required to perform religious rites in a private home, members of the Orthodox Archbishopric of Ohrid reported that police

interrupted an April 30 religious service in a private apartment in Dracevo and asked the worshipers to produce their identification documents.

On July 26, the Orthodox Archbishopric's Zoran Vraniskovski, whom the Serbian Orthodox Church recognizes as archbishop of Ohrid, began serving an 18-month prison sentence for inciting religious intolerance. The charges against Vraniskovski referred to private religious services held in union with the Serbian Orthodox Church, and his alleged responsibility for a religious calendar calling the Macedonian Orthodox Church "the last fortress of communism" and its believers heretics. An appeals court and the Supreme Court rejected his appeal. Vraniskovski admitted to writing the calendar's text but not to producing and distributing it. Vraniskovski was also ordered to serve a previously suspended 12-month sentence for illegally assuming religious authority by baptizing a relative in a Macedonian Orthodox church near Bitola in 2003. In addition Vraniskovski was found guilty of embezzlement by the Veles district court in September and sentenced to two additional years in prison; a trial on a separate embezzlement charge had not concluded by year's end.

The law requires that foreigners entering the country with the intent to carry out religious work or perform religious rites receive approval from the state commission on relations with religious communities. When applying for visas, persons planning to perform religious work must submit a letter of invitation from representatives of a registered religious group in the country to the commission, which then issues a letter of approval to be submitted with the visa request. Approvals were normally issued within one week.

A Polish-born nun associated with the Orthodox Archbishopric of Ohrid claimed that, in September 2004, the interior ministry declined to extend her residency permit; the Archdiocese is not legally entitled to sponsor foreign religious workers because it has been denied registration under the law permitting only one group per confession.

At year's end the Jewish community reported that all outstanding property claims of the community involving the former Yugoslavia's nationalization of religious properties had been resolved. However, the community expressed some frustration regarding the restitution of property of heirless victims of the Holocaust as envisaged in a 2000 law. While enough land was returned to allow the Jewish community to begin construction of a Holocaust memorial center in September, only a small fraction of other restitution claims in the name of the Jewish and other religious communities had been adjudicated by the government.

Societal Abuses and Discrimination.—There were isolated reports of vandalism of religious properties. The Orthodox Archbishopric of Ohrid reported that private apartments belonging to their members were broken into or vandalized at least five times. Members of the group alleged that on June 25 and July 11, police officers discouraged them from reporting future acts of violence or vandalism directed at the group.

At year's end the ownership dispute between the Bekteshi religious sect and the Islamic community over their religious facility at Tetevo remained unresolved. The Bekteshis filed suit against the government to reverse the former Yugoslavia's nationalization of the property and against the Islamic community, which seized the complex in 2002 and continued to hold services there, excluding Bekteshi community members.

The Jewish community estimated that approximately 600 Jewish persons live in the country. Unlike in the previous year, there were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Under the constitution, any Yugoslav citizen who had legal residence in the country in 1991 could acquire citizenship by simple application; however, unresolved citizenship status of long-term habitual residents remained an ongoing problem. The interior ministry claimed that this problem has been resolved; a 2002 amendment to the Law of Citizenship temporarily eased the naturalization requirements for foreigners married to Macedonian citizens, persons without citizenship, and persons with refugee status.

Internally Displaced Persons (IDPs).—At year's end the government reported a total of 831 IDPs, most of whom were in collective centers. That number was down from over 1,180 IDPs reported earlier in the year.

IDPs received basic assistance, mostly from the international community, and had few opportunities for engaging in income-generating activities. The ICRC had sup-

ported some of the IDPs with income-generating projects in the agricultural, livestock-rearing, and handicraft sectors, but phased out its program in 2004. The Ministry of Labor and Social Policy was responsible for IDP programs.

Some IDP groups, overwhelmingly ethnic Macedonians, claimed they could not return to their homes of origin due to security threats in those areas. There were unsubstantiated reports of arson attacks on homes reconstructed by IDPs in some of those areas, notably in the predominantly ethnic-Albanian municipality of Aracinovo. Some IDPs claimed the government was not providing adequate support or incentives for returning to their homes. Other IDPs claimed they had been able to return to their homes, in Aracinovo, for example, and had not faced any threats since doing so.

During the year the government pressured many IDPs to return to their homes of origin by informing them that their monthly benefits would eventually be reduced or eliminated if they did not comply.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared prosecution. The government granted refugee status and asylum, but only in rare cases. As of October, out of 751 registered asylum seekers, only 34 had been granted humanitarian protection status, and none had received asylum. A total of 1,204 persons had been granted humanitarian protection, a decision subject to annual review.

According to the Office of the UN High Commissioner for Refugees (UNHCR), the refugee status determination (RSD) mechanism was accessible and active, and the overall process was handled in a generally satisfactory manner. The country's RSD laws were considered satisfactory, but implementation of the RSD procedure in some cases was inadequate. The UNHCR noted significant shortcomings in refugee interview techniques and worked with interior ministry officials to improve them. A more serious shortcoming in the RSD process noted by the UNHCR was the lack of an effective appeals system for those not initially granted either refugee or asylum status. UNHCR reported that appeals rejected by the administrative courts were usually given only cursory review by the Supreme Court, which simply rubber-stamped the commission's decision to deny the appeal.

The government provided temporary protection status to most refugees and asylum seekers in the country. However, that status was valid for only 12 months and had to be renewed. In addition, it could be terminated by the government at any time.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

While there were no reports that authorities abused or mistreated refugees, some female refugees were the victims of sexual abuse committed by nonofficials. There was no evidence to suggest the female refugees had been targeted because of their refugee status.

There was strong evidence to suggest that Romani refugees were discriminated against in the RSD process, a reflection of general societal discrimination against the Roma. However, Romani refugees in the predominantly Romani municipality of Suto Orizari were generally well tolerated.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—The most recent presidential elections were held in April 2004. International observers characterized both rounds of the election as satisfactory, but noted serious second-round irregularities in parts of the country. The opposition party VMRO–DPMNE challenged the election results on the basis of the irregularities; however, international observers concluded that these did not significantly influence the final outcome.

In March elections were held to select the mayors and council members of the country's 84 municipalities and the city of Skopje. An additional partial round of voting was held on April 10 after irregularities in 20 municipalities forced a rerun of the balloting in those areas. International observers found that the elections, the first since a redrawing of municipal boundaries in 2004, were generally well conducted but failed to meet key international standards in some regions of the country. At least seven polling stations were closed due to violent incidents, and international monitors observed ballot stuffing in a number of polling stations, primarily

in areas populated by ethnic Albanians. The ethnic-Albanian opposition party DPA boycotted the second round of elections and subsequently withdrew from parliament, citing serious irregularities in the elections and the government's failure, in its view, to address them adequately.

In Muslim communities, particularly among more traditional ethnic Albanians, many women were disenfranchised due to the practice of family or proxy voting by male family members on their behalf.

There were 24 women in the 120-seat parliament and 3 women in the 19-member Council of Ministers. The law requires that female candidates make up 30 percent of each political party's list in both national and municipal elections.

There were 26 ethnic Albanians, 1 Muslim, 1 Roma, 3 Turks, 2 Serbs, 2 Bosniaks, and 1 Vlach in the 120-seat parliament. There were 6 members of minorities in the 19-member Council of Ministers.

Government Corruption and Transparency.—Corruption was a problem in the executive and legislative branches of the government. Instances of corruption in the police and judicial system were of particular concern (see sections 1.d. and 1.e.). The State Anticorruption Commission was responsible for investigating charges of corruption as well as complaints submitted by citizens. During 2004 the commission received 627 complaints concerning the work of state bodies, privatization procedures, judicial procedures, and other relevant cases. In response the commission initiated 23 investigations and recommended 33 initiatives to counter corruption.

The commission accused government institutions of lacking the political will to fight corruption. After the government significantly reduced the funds available to the commission in a rebalancing of the budget, the commission charged that the government was deliberately impeding its work.

During the year the courts resolved a number of long-pending, high-profile corruption cases involving former government officials, largely as a result of criticism from both the public and the international community. In March a court convicted Ljupco Popovski, a former defense ministry official from the ruling Social-Democratic Union of Macedonia party, on bribery charges and sentenced him to more than two years in prison. The former mayor of the predominantly Roma municipality Suto Orizari was also among those sentenced in corruption trials.

In April Nikola Tasev, the former general manager of the Nova Makedonija publishing house charged with abuse of power for selling 70 percent of the company on the eve of 2002 parliamentary elections, was sentenced to 4 years in prison by Skopje Basic Court I. Besnik Fetaj, who was minister of economy at the time of the privatization, was acquitted of similar charges. Nova Makedonija was the country's largest publishing house before its liquidation in 2003.

The country does not have a law guaranteeing citizens' access to government information.

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

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

There were more than four thousand domestic and international registered NGOs operating in the country, including FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and NGOs devoted to specific causes, including Roma rights, human trafficking, and voters' rights.

The OSCE led international community efforts to engage the government on human rights issues. The OSCE and EU monitoring missions continued to implement projects to improve relations between ethnic Macedonians and ethnic Albanians.

The ombudsman has a mandate to improve nondiscrimination and equitable representation of minority communities and operated six local branch offices around the country. The ombudsman has the legal right to visit all persons detained, including those in pretrial detention, and officials from the ombudsman's office exercised this right freely during the year. The ombudsman found that government institutions violated individuals' rights in 569 cases, or approximately 29 percent of the complaints received in 2004. Most cases concerned violations of judicial procedures, police abuse, and labor and property rights. The government acted on the ombudsman's recommendations in 73 percent of these cases but in some instances did not provide information requested by the ombudsman's office in the course of their investigations.

The government generally cooperated with the ICTY. In March the ICTY indicted two ethnic Macedonians—former interior minister Ljube Boskovski and former po-

lice officer Johan Tarculovski—accused of complicity in the 2001 killing of ethnic Albanian civilians in Ljuboten.

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

The law provides for equal rights for all citizens regardless of their gender, race, disability, or social status; however, societal discrimination persisted against ethnic minorities, particularly Roma, and the protection of women's rights remained a problem.

Women.—Domestic and other violence against women was a persistent and common problem; one survey found that one of four women claimed to have been a victim of physical or psychological domestic violence.

Cultural norms, including victims' concern over possible shame to the family, discouraged the reporting of violence against women, and victims of domestic violence filed criminal charges only rarely. Although the law specifically defines domestic violence as a crime and prescribes substantial punishments for violators, the government did not provide mandatory training for police, prosecutors, and judges, and the law was rarely applied. While the law provides for civil restraining orders to protect victims of domestic violence, there were reports that police officers were unaware of provisions of the law that allow them to act *ex officio* to protect victims of family violence, and police often did not respond to allegations of domestic violence.

The government operated six shelters with limited capacities and funded a national NGO-operated hotline for victims of domestic violence in Skopje. Local NGOs working against domestic violence relied to a large extent on international donor assistance. Public concern about violence against women was not generally evident in the media, although some women's groups worked to raise awareness of the issue.

While the law specifically prohibits rape, including spousal rape, conviction requires proof of both penetration and active resistance by the victim. These requirements are more stringent than for other violent crimes. The penalties for rape or forcible sexual assault range from 1 to 15 years' imprisonment. Some rape cases were tried during the year. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Although prostitution is illegal, the law was not always enforced. Some foreign women accused of prostituting themselves were deported, and some men were prosecuted for "mediating" in prostitution.

Trafficking in women for sexual exploitation was a problem (see section 5, trafficking).

Sexual harassment of women in the workplace was a problem, particularly in the private sector. Although the law does not specifically address sexual harassment, it could be prosecuted as a criminal act under antidiscrimination legislation; however, this did not occur in practice. Although women remained underrepresented in the higher levels of the government and the private sector, there were several prominent professional women, including a female deputy prime minister, foreign minister, and justice minister.

Women from parts of the ethnic Albanian community did not have equal opportunities for employment and education due to traditional and religious restrictions on their schooling and participation in society. In some ethnic Albanian communities, women were disenfranchised by the practice of men voting on behalf of female family members (see section 3).

The Office of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women, but did not have the legal authority to aggressively combat discrimination.

Although the law requires men and women to be paid equally for equivalent work, wage discrimination against women remained pervasive, particularly in the private sector. While the law prohibits dismissal of women on maternity leave, discrimination against pregnant women continued in practice.

Among other activities, women's advocacy groups worked to combat domestic violence through awareness-raising campaigns, increase women's political involvement by training female candidates for local elected office, improve women's access to legal services, and promote female establishment of small and medium enterprises.

Children.—The government was committed to the rights and welfare of children; however, it was significantly limited by resource constraints. The ombudsman's office had a special unit for children, partially funded by the UN Children's Fund (UNICEF), that investigated complaints of violations of children's rights. The Ministry of Labor and Social Policy is responsible for children's welfare.

Education is mandatory through the eighth grade or to the age of 16; however, some children did not enter the educational system at all. The Ministry of Education reported that 95 percent of children were enrolled in school; no official data was

available on school attendance or the number of children who did not have access to education. Primary and secondary education was free; however, students had to provide their own books and other materials.

Almost 90 percent of the children who finished primary school continued to secondary school; however, at both the primary and secondary levels, girls in some ethnic Albanian communities did not attend school. Approximately half of ethnic minority students did not go on to high school due to lack of classes in minority languages at the secondary level and to the conviction of many rural, ethnic Albanian families that girls should be withdrawn from school at age 14.

According to Romani community leaders, up to 10 percent of Romani children never enrolled in school. Of those who did enroll, 50 percent dropped out by the fifth grade and only 35 to 40 percent finished the eighth grade.

As in previous years, poor physical conditions of schools and insufficient classroom space were common complaints, particularly in the predominantly ethnic Albanian western parts of the country, and parents and students sometimes protested these conditions. Boys and girls generally had equal access to education except in ethnic Albanian areas.

Medical care for children was generally adequate, but was hampered by the generally difficult economic circumstances of the country and by the weak national health system.

Child abuse was a problem in some areas. According to interior ministry statistics, the number of reported cases of sexual abuse against children decreased; there were 37 reported cases during the year. The Centers for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of Interior are responsible for addressing child abuse. NGOs are also active in this area.

Child marriage occurred with some frequency in the Romani community and less frequently in the ethnic Albanian community. It was difficult to estimate the extent of underage marriage in the Romani community because such marriages frequently were not registered. A survey of 960 Romani women during the year by the NGO Daja found that 54 percent had given birth to their first child by the age of 18, while 3 percent had given birth between the ages of 12 and 14.

Girls were sometimes trafficked for sexual exploitation (see section 5, Trafficking).

Romani children were often organized into groups by Romani adults and made to beg for money at busy intersections, street corners, and in restaurants and cafes (see section 6.d.).

According to some estimates, there were between 500 and 1 thousand street children in the country, most of whom were Roma. With international support, the Ministry of Labor and Social Policy operated a day center for street children. The minister of labor reported that the center has served at least 265 children to date.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, through, and, to a lesser degree, from the country.

It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, slavery, or a similar relationship. The law provides for a minimum sentence of four years for most trafficking crimes and a minimum of six months for the destruction of identification documents of trafficked persons. Persons convicted of organizing human trafficking receive a mandatory minimum prison term of 8 years and 1 to 10 years for complicity in the crime of human trafficking. The law provides for a minimum six-month sentence for persons who wittingly use, or enable another person to use, sexual services from a trafficked person. The mandatory minimum sentence for trafficking in children or for knowingly using trafficked children and juveniles for sexual exploitation is eight years.

During the year at least 32 trafficking-related cases were prosecuted, compared to 20 cases in 2004. During the year 83 persons were convicted and sentenced for trafficking. The country's most notorious convicted trafficker, Dilaver Bojku Leku, remained in a Skopje prison after being sentenced in 2004 for "mediation" in prostitution. Since he was in an "open regime" facility with liberal release policies, international observers were concerned that Bojku would be able to intimidate witnesses during his periods of authorized leave from prison.

The national commission for prevention and suppression of trafficking in persons coordinated government efforts to combat trafficking. The interior ministry was also involved in antitrafficking efforts and detailed several law enforcement personnel to work fulltime in its main trafficking unit in Skopje. It also deployed antiorganized crime police officers to combat human trafficking on a local level. The government routinely cooperated with neighboring countries' national organizations, most notably those in the Southeast European Cooperation Initiative.

In May parliament passed a law on witness protection to facilitate witness testimony in trafficking and other sensitive cases. In at least one case, a trafficking victim who had been repatriated to her home country was allowed to testify against her trafficker using a digital video conference link. In at least 12 cases, the interior ministry and the association of public prosecutors arranged for the travel of witnesses to the trial and provided for their protection.

While the country remained primarily a transit and destination point for trafficking, officials and others acknowledged that it was a point of origin for a small number of trafficking victims. Women from the country were trafficked throughout the former Yugoslavia. Interior ministry officials reported a downward trend in human trafficking during the year. However, NGOs and the international community reported that there were more cases of internal trafficking. Reliable statistics were not available, but specialists working in the field for the OSCE and other agencies estimated that between 200 and 400 women were trafficked to or through the country during the year, primarily for sexual exploitation. Moldova, Romania, Albania, and Bulgaria were the primary sources of trafficking victims, and victims trafficked through the country were most often en route to Serbia and Montenegro (including Kosovo), Albania, and western Europe.

There were four reported cases of trafficking involving girls during the year. There were reports that female minors were recruited by some massage parlor owners to perform sexual services for clients. In at least one case, authorities shut down a massage parlor operating in this way.

Trafficked women were forced to work in prostitution, often under the guise of dancers, hostesses, or waitresses in local clubs. Police raids and testimony by victims confirmed that trafficking victims were subjected to threats, violence, physical and psychological abuse, and seizure of documents to ensure compliance.

There were no developments in the 2004 case involving police complicity in trafficking in Gostivar, which resulted in the suspension from duty of an officer pending his trial on criminal charges for misuse of official position and trafficking in persons. While pretrial procedures had concluded, a hearing had not been scheduled by year's end. At year's end two police officers who testified on behalf of trafficker Dilaver Bojku Leku were under investigation for possible complicity in trafficking.

During the year the International Organization for Migration assisted two victims of trafficking at its local shelter, which it operated with support from the government and a local NGO.

Persons with Disabilities.—The law prohibits discrimination on the basis of disability; however, there was discrimination against persons with disabilities in employment, education, access to health care, and in the provisions of other state services. There are no laws or regulations requiring buildings to be made accessible to persons with disabilities, and many public buildings remained inaccessible for persons with physical disabilities.

Advocates for disabled persons stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented them from fully integrating into society.

The interparty parliamentary lobby group for the rights of people with special needs, in cooperation with NGOs, worked to develop and promote comprehensive legislation promoting the rights of persons with disabilities. The group focused on changes to laws on urban planning and construction.

The Ministry for Labor and Social Policy was responsible for the integration of persons with disabilities into economic life and the payment of benefits. UNICEF implemented several projects aimed at addressing the needs of children with disabilities.

National/Racial/Ethnic Minorities.—According to the 2002 census, the population was 64.2 percent ethnic Macedonian; 25.2 percent ethnic Albanian; 3.9 percent ethnic Turkish; 2.7 percent Roma; 1.8 percent ethnic Serb; 0.8 percent Bosniak; and 0.5 percent Vlach.

There were credible reports of police violence against Roma, including beatings during arrest and while in detention (see section 1.c.), as well as incidents of societal violence during the year.

There continued to be incidents of interethnic violence and tension during the year. For example, on August 26, ethnic Albanian villagers in Celopek prevented ethnic Macedonians from commemorating the killing of two ethnic Macedonians at the site of the Motel Brioni, which was destroyed shortly after the end of the 2001 conflict. The motel site remained the subject of an ethnically charged property dispute between ethnic Albanian villagers and the ethnic Macedonian owners of the destroyed building. In September three ethnic Albanians accused of organizing the

crowd that prevented the ethnic Macedonians from commemorating the event failed to appear in a Tetovo court for a hearing into charges against them.

In September police intervened to stop a large fight between ethnic Macedonian and ethnic Albanian students in a high school in Struga; such altercations have been common in the town since 2003.

Although interethnic tension in schools remained a problem, there were there fewer cases than in 2004 of serious disputes between parents and school authorities over ethnic issues.

Students from different ethnic groups sometimes studied in separate shifts or entirely separate facilities, usually at their parents' request. For example, in Shemsevo, ethnic Macedonian parents refused to send their children to mixed local schools, and instead sent them to monoethnic schools in the nearby towns of Jegunovce and Zilce.

While interethnic relations remained strained, a survey conducted in May found that, for the first time in seven years, a majority of both ethnic Albanians and ethnic Macedonians held favorable opinions of the other ethnic group.

Ethnic Albanians continued to complain of widespread official discrimination. They were concerned about the slow progress in reaching what they considered to be equitable representation in government ministries, while ethnic Macedonians often claimed that they were targeted for downsizing regardless of job performance. Some ethnic Albanians reported that they were effectively disenfranchised by discrimination in citizenship decisions. In at least one case an ethnic Albanian woman complained that her application for citizenship was denied despite her insistence that she met the relevant criteria.

Although some progress was made, and recruitment efforts were in place, ethnic Albanians remained underrepresented in the military and police.

The law establishes that languages of ethnic minorities must be recognized as additional official languages in areas where those minorities comprise at least 20 percent of the population. In those areas citizens had the right to communicate with local offices of the central government in the language of the minority group and to receive responses and personal documents in the same language; however, this did not always occur in practice. Under the law those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; however, this did not always occur in practice.

The law provides for primary and secondary education in the languages of the ethnic minorities, and primary education was available in Macedonian, Albanian, Turkish, and Serbian. The number of ethnic minority students who received secondary education in their native languages continued to increase; however, ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

Ethnic minorities remained underrepresented at the university level, although there was progress in increasing the number of minority students. In July the government accredited the University of Tetovo, whose primary language of instruction is Albanian. More than six thousand students were enrolled in the university's four faculties.

Ethnic Turks also complained of governmental, societal, and cultural discrimination. Their main concerns centered on the slow progress in achieving equitable representation in government institutions, the absence of Turkish majority municipalities in the 2004 municipal redistricting, and a lack of Turkish language education and media.

Roma complained of widespread ethnic discrimination. NGOs and international experts reported that Roma were often denied job opportunities, access to public welfare funds, and entrance to establishments such as restaurants and cafes.

Roma had the highest rate of unemployment and the lowest personal and family incomes, were the least educated, and had the highest mortality rates of any ethnic group in the country. The government provided few social services to Roma despite the belief that unemployment among the Romani population was above 70 percent.

At year's end there were 2,169 Romani refugees remaining in the country from the 1999 conflict in Kosovo. The country's ethnic Albanians and, to a lesser degree, ethnic Macedonians held hostile views of the refugees, many of whom settled in Skopje and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. These Roma were often targets of harassment and verbal abuse.

Other Societal Abuses and Discrimination.—There was societal prejudice against homosexuals.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join unions, and workers did so in practice; however, at times the government interfered with union activity.

While the law provides that independent unions may freely register with the Ministry of Labor and Social Policy, some unions reported encountering obstacles, particularly delays in the registration process. Without registration a union cannot operate legally. More than 50 percent of the legal workforce was unionized, and unions were particularly well represented in the public sector.

Unions are not required to belong to the Confederation of Trade Unions of Macedonia (SSM), which maintained close ties with government officials. Several new unions formed outside of the SSM in recent years, including unions of journalists, police officers, and farmers.

In July the largest SSM branch union, the Union of Education, Science, and Culture (SONK), severed ties with SSM and became independent. Some SONK members alleged that, after the split, local political leaders with ties to the government attempted to pressure local SONK union members to oppose the decision by the union's leaders. In September the government severed wage negotiations with SONK. The government resumed negotiations in November after SONK demonstrated it had strong support from its members as well as from international unions and labor organizations. In December SONK and several other unions that were formerly members of SSM formed a new, independent union federation, the Confederation of Free Unions.

The law prohibits antiunion discrimination; however, antiunion discrimination existed in practice, and workers in private companies were fired on several occasions for participating in union activities. Because of the delays in the court system, it could take a worker two to three years to regain employment through the courts.

Employers sometimes interfered in the internal affairs of unions by dominating union election campaigns or running their own candidates in union elections. At times these practices resulted in the election of company managers to company union leadership positions. As a result workers were sometimes afraid to run for local union office, and union elections were not always free and fair.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference; however, the government did not always actively enforce these laws in practice. The law protects the right of employees to bargain collectively, and most branch and local unions had collective bargaining agreements. All legally employed workers are covered by one of two collective bargaining agreements, one for public sector employees and the other for private sector employees. While collective bargaining took place, employees had very little practical negotiating leverage due to the country's weak economic environment, and many collective bargaining agreements failed to keep pace with changes in the environment and workplace.

In August parliament passed a new labor relations law. The law legalizes part-time and temporary workers, who had not been recognized under the previous law, and protects the right of employees to bargain collectively and to strike. However, it allows employers to "exclude," or temporarily release, up to 2 percent of a company's workers during a strike if the company considers these workers to be potentially violent or disruptive. The "excluded" workers would be rehired after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike.

The SSM negotiated two national collective bargaining agreements with the government, covering the public and private sectors, that established minimum standards for working conditions. In the private sector, branch unions negotiated at the national level with the respective chambers of commerce, and local unions negotiated with individual companies. Collective agreements in the public sector were negotiated between branch unions and the respective ministries.

The law provides for the right to strike, and workers exercised this right in practice during the year. The law allows members of the military and the police to strike but only if they adhere to restrictive guidelines and continue to perform essential duties.

There is one export processing zone in the country, but it was not operational during the year.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—While there are laws and policies to protect children from exploitation in the workplace, includ-

ing a prohibition of forced or compulsory labor, government enforcement has been uneven. The law provides that anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation shall receive a prison sentence of at least eight years.

The minimum age for employment is 15 years. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors under the age of 18 from working nights or more than 40 hours per week.

There were no official reports of child labor during the year; however, there was evidence that child labor was used in the “gray economy,” including for begging on the street and selling cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night. The children involved in these activities were almost exclusively Roma. Officials did not punish such violations and children remained vulnerable to exploitation.

Children were sometimes trafficked for sexual exploitation (see section 5, Trafficking).

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. Government efforts to eliminate child labor abuse have been largely ineffective and, while the necessary laws are in place, there has been little practical implementation of the policy and laws.

While the government did little to raise public awareness on child labor abuse, NGOs were active in organizing workshops on children’s rights. International donors supported programs to prevent children from working on the street and to increase school enrollment of children at risk for such work.

e. Acceptable Conditions of Work.—The country does not have a national minimum wage established by law. The average monthly wage according to official statistics was approximately \$250 (12,464 denars) and did not provide a decent standard of living for a worker and family. The government statistics office estimated that 29.6 percent of the population lived below the poverty line.

The law establishes a 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. Employees cannot legally work more than 10 hours of overtime per week, 20 hours per month, or 190 hours per year. According to the collective agreement between the government and the SSM, employees have a right to overtime pay of 135 percent of regular pay. In addition employees who work more than 150 hours of overtime per year are entitled to a bonus of one month of salary. However, high unemployment and fragile economic conditions led many employees to accept work that did not comply with the law. In particular small retail businesses often required employees to work well beyond the legal limits.

Although there are laws and regulations on worker safety, they were not strictly enforced by the Ministry of Labor and Social Policy. Workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, but employers did not always respect this right in practice.

MALTA

Malta, with a population of approximately 400 thousand, is a constitutional republic and a parliamentary democracy. The chief of state (president) is appointed by the unicameral parliament. The president appoints as prime minister the leader of the party that gains a majority of seats in the parliamentary elections. The last such elections, in 2003, were free and fair and retained the Nationalist Party in power. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of addressing individual instances of abuse. The following human rights problems were reported:

- child abuse
- trafficking in persons

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. The Council of Europe conducts visits on a biannual basis. There were no visits in during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally respected these prohibitions.

Role of the Police and Security Apparatus.—The country has a single police department which maintains internal security with backup support from the armed forces. The appointed commissioner who commands the police is under the supervision of the civilian minister of justice and home affairs. The police force includes a number of special squads, namely the drugs, economic crimes, cyber crimes, and vice squads and the Criminal Investigation Department. The unified armed forces are responsible for defense, with an emphasis on protecting the country's territorial waters and airspace. The commander of the armed forces is under the direct supervision of the prime minister. There were no reported problems related to corruption or impunity within the force. A Police Board made up of independent members from outside the police force and presided over by a former judge investigates any allegations of police abuse, and appropriate disciplinary action is taken when necessary. Training for members of the police force is ongoing. New recruits are trained at the police academy, and current members regularly undergo refresher courses. There were no reported instances where police failed to prevent or to respond to societal violence.

Arrest and Detention.—An arrest warrant, issued by a magistrate, is generally required before the police may detain a person for questioning on the basis of reasonable suspicion. Within 48 hours of detention, police must either release the suspect or file charges, and must inform the detainee of the grounds of suspicion for his arrest. These requirements were respected in practice. During the 48-hour period after detention, arrested persons have no right to legal counsel or meetings with family members. Pretrial detainees were granted access to counsel. A person charged may select a lawyer, or the court appoints a lawyer at the court's expense. Family members could visit detainees once charges had been filed. There were no reports of problems or abuse of prisoners during the 48-hour detention period. Bail normally was granted on a case-by-case basis.

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

The country's highest court, the constitutional court, interprets the constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The civil court of appeal hears appeals from the civil court, court of magistrates, and special tribunals. The court of criminal appeal hears appeals from the court of magistrates and the juvenile court.

Trial Procedures.—The law provides for the right to a fair public jury trial, and an independent judiciary generally enforced this right. Defendants have the right to counsel of their choice or, if they cannot afford counsel, to court-appointed counsel at public expense. Defendants and their lawyers have access to government-held evidence relevant to their cases. Defendants may confront witnesses and present evidence, enjoy a presumption of innocence, and have the right of appeal.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice; violations were subject to effective legal sanctions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. The law prohibits foreign participation in politics during the period leading up to elections, although this provision rarely has been used. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

In 2004 the broadcasting authority, an independent statutory body that is responsible for television and radio broadcasting, fined an independent television station for broadcasting an interview with an independent candidate for the European parliament on the grounds that his statements as broadcast could have incited racial

hatred. The station sought judicial review of the authority's decision, and the case was ongoing at year's end.

The independent media were active and expressed a wide variety of views without restriction. The international media operated freely.

There were no government restrictions on the Internet or academic freedom.

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

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. The constitution establishes Roman Catholicism as the state religion; however, numerous non-Catholic religious groups, including an Islamic community, various Protestant denominations, and a small Jewish community, practiced their faiths freely and were not required to register with the government.

The government and the Catholic Church participated in a foundation that finances Catholic schools. While religious instruction in Catholicism was available in all public schools, a student may opt out of this instruction if the student or guardian objects.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts during the year. The Jewish community was composed of about 120 persons.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who appeared not to qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 544 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The government reduced the period of detention for asylum seekers to one year. It placed children, pregnant women, and elderly immigrants, in so-called open centers, where they were free to move about, shortly after their arrival in the country. In addition, the cabinet assigned to the Ministry for Family and Social Solidarity responsibility for the welfare, accommodation, and general management of persons released from detention centers.

Illegal immigrants awaiting a decision on their cases occasionally protested against being detained or attempted to escape from detention centers.

In January there was a riot by detainees at a detention center operated by the armed forces. The detainees were awaiting repatriation after their applications for refugee status were turned down. Some immigrants were hospitalized. Detainees and groups supporting them complained later that the armed forces used excessive force to restore control. The prime minister ordered an independent judicial inquiry to investigate the incident. The inquiry found that the detainees had refused to obey legitimate orders of the members of the armed forces and that the use of force was generally justified, but that some individual soldiers used excessive force. The inquiry recommended that the armed forces receive additional training on handling detainees but that the government's detention policy not be changed.

The government excluded refugees if it deemed them to be nationals of a safe country of origin.

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

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

Elections and Political Participation.—The 2003 general elections were free and fair.

There were 6 women in the 65-seat parliament. There were 2 women in the 14-member cabinet of ministers. Approximately 13 percent of senior government officials were women, and 2 women held ambassadorial rank.

There were no members of minorities in the government.

Government Corruption and Transparency.—There were no reports of government corruption during the year.

The country does not have a general access to information law. There are laws which provide access for the press and the public to certain government-held information. But the government retained discretion to release information, which did not fall under any of these sector-specific laws. The government generally provided such access.

Section 4. Governmental Attitudes 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.

After the January riot by detainees at a detention center, a UNHCR official who happened to be conducting a routine visit to the detention camps for illegal immigrants called on the government to change its detention policy. It was not clear if he was speaking for UNHCR. The government defended and retained its detainee policy.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally effectively enforced it. However, child abuse and trafficking in persons were problems.

Women.—Domestic violence was not common. Between January and November, the police domestic violence unit received 208 reports of domestic violence, compared with 233 reports during the same timeframe in 2004. The law prohibits violence against women, and the government generally effectively enforced it. Penalties ranged from 3 months' to 20 years' imprisonment.

A special police unit and several voluntary organizations provided support to victims of domestic violence. There was a hotline to assist victims of abuse through counseling and referrals to shelters. The government provided support to victims of domestic violence through the department of welfare. A government-supported shelter for women and children operated during the year and the government provided financial support to a shelter operated by the Catholic Church. The government also maintained an emergency fund and subsidized other shelters.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. For the period January through November there were five reported cases of rape. The cases were pending trial at year's end. Rape, spousal rape, and violent indecent assault carry sentences of up to 10 years' imprisonment.

The law prohibits prostitution, and the government effectively enforced it. The law provides for sentences of between several months' and two years' imprisonment. From January to November, there were 43 cases of prostitution and a number of prosecutions during the year.

Sexual harassment was unlawful and carried the penalties of a \$2,800 (1 thousand Maltese lira) fine or six months' imprisonment, or both. The government effectively enforced the law.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The government took steps to provide gender-neutral legislation, and redress in the courts for sexual discrimination was available. The ministry for the family and social solidarity and the national commission for the promotion of equality for men and women were responsible for gender equality issues. The commission's program focused on broader integration of women into society. It advised the government on the implementation of policies in favor of equality of the sexes.

Although women constituted a growing portion of the higher education graduates and the work force, they were underrepresented in management and generally earned less than their male counterparts.

Children.—The government was strongly committed to children's rights and welfare. It provided free, compulsory, and universal education through age 16. Approximately 95 percent of school-age children attended school, and 70 percent went on to post-secondary education. There were no apparent differences in the treatment of girls and boys in education.

The government provided universal free health care to all citizens, and boys and girls had equal access to health care.

Child abuse was a problem. In 2004 there were 892 cases of child abuse. Prison sentences were handed down in a number of cases involving sexual abuse of minors.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to the country.

In 2004 the authorities prosecuted thirteen persons for trafficking; the longest sentence was three years in prison and a fine of \$600 (200 Maltese lira) for an ex-police constable. The average sentence was two years in prison. The cases resulted in fines, dismissed cases, continuing investigations and prison sentences up to four years. The government sometimes cooperates with other governments in the investigation of trafficking. The police, special branch, vice and economic crime squads coordinated the enforcement of the antitrafficking law.

The country is a destination for persons, primarily from the Ukraine and Russia, trafficked for prostitution.

Reliable law enforcement sources reported that women were recruited for prostitution from eastern European countries and essentially “purchased” by Maltese men, sometimes pimps intent on exploiting them for commercial sex or by individuals for exploitative sex only with the purchaser. These women were often “sold” to other pimps or individuals who then continue the cycle; it is typical for a woman to be “sold” every three months under these schemes. The victims of this type of sexual exploitation will typically arrive in the country legally on a tourist visa and often with understanding that they will be employed in the sex trade. The degree of the cooperation of these victims with the “purchasing schemes” once they arrive in the country, or whether any coercion or force was used to ensure that they remained in this trade, was unknown.

Additional sources claimed that immigration authorities were aware of the possibility of trafficking from certain countries and screened for this when suspicious persons attempted to enter the country. Local law enforcement authorities generally believed that women who travel to the country to provide sexual services were willing participants, that they willingly provide these services for the clients recruited by the pimps; that they profit from these activities; and that they were not coerced, forced, or compelled to continue.

In general authorities did not condone or facilitate trafficking in persons. However, there was one documented case of an ex-constable and a police officer arrested and convicted of trafficking in human beings, living off the earnings of prostitution, and keeping a brothel. The victims of these pimps were an undisclosed number of Russian women.

The victims of trafficking are treated as a culpable part of the criminal enterprise. The government encouraged victims to assist in the investigation and prosecution of traffickers, and the government provided protection of witnesses. However, victims who have been arrested generally refused to provide testimony or would testify only in closed hearings. Once the victims provided evidence they were typically deported to their country of origin.

The government did not provide funding specifically for victims of trafficking. There was no formal screening or referral process in place for victims of trafficking; however, they could be, and sometimes were, referred to the array of social and housing services available to victims of domestic violence.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. The National Commission for Persons with Disability worked on 58 complaints of discrimination against persons with disabilities, and began investigating 85 new cases. A total of 75 cases were satisfactorily concluded. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice.

National/Racial/Ethnic Minorities.—A few thousand persons of Arab, African, and Eastern European origin lived in the country; they made up a small percentage of the country's population. There were isolated reports that owners of some bars and discos periodically discouraged or prohibited darker-skinned persons, particularly of African or Arab origin, from entering their establishments. There were no reports of charges being pressed by the alleged victims.

The law criminalizes racial hatred, and during the year two persons were charged with three separate cases of inciting racial hatred. Their trials were ongoing at year's end.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and to join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. Noncivilian military and police personnel are not allowed to join a union. Approximately 63 percent of the work force was unionized. Although all unions were nominally independent of political parties, the largest, the General Workers' Union, generally was regarded as having close informal ties with the Labor Party.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, and it was freely practiced. Workers, except noncivilian military and police personnel, have the right to strike, and they exercised this right by conducting legal strikes. There are no special laws or exemptions from regular labor laws in the country's one export processing zone.

c. Prohibition of Forced or Compulsory Labor.—The government prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and the government effectively implemented them in practice. The law prohibits the employment of children younger than age 16. The Department of Labor generally enforced the law effectively but allowed summer employment of underage youth in businesses operated by their families; some underage children were employed as domestics, restaurant kitchen help, or vendors.

e. Acceptable Conditions of Work.—The national weekly minimum wage of \$160 (56 Maltese lira) for adults combined with an annual mandatory bonus of approximately \$620 (214 Maltese lira) and a \$110 (38 Maltese lira) annual cost of living increase allowance provided a decent standard of living for a worker and family. Citizens were also entitled to additional government subsidies for housing, health care, and education.

The standard workweek was 40 hours, but in some trades it was 43 or 45 hours. Government regulations provide for a daily rest period, which is normally one hour, and one day of rest per week. Premium pay was required for overtime. Excessive compulsory overtime is prohibited, and workers cannot be obligated to work more than 48 hours, inclusive of overtime. The Department of Labor generally enforced these requirements effectively.

The occupational health and safety authority, a body made up of the government, unions, and employers, conducted regular inspections at work sites, and cited a number of offenders. However, enforcement of the health and safety standards was uneven, and industrial accidents remained frequent, mostly in the building and construction sector. Workers had the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and the Department of Labor generally enforced this right.

Allegations of physical and sexual abuse of workers existed, but they were rarely made public, and even more rarely were they the subject of court proceedings.

MOLDOVA

Moldova is a parliamentary republic, with a population of approximately 4 million, of whom an estimated 580 thousand live in the secessionist-controlled region of Transnistria. The constitution provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. Separatist elements, supported by Russian military forces in the area, declared a "Transnistrian Moldovan Republic" in Transnistria between the Dniester River and Ukraine. The government does not control this region. Unless otherwise stated, all references herein are to the rest of the country. Parliamentary elections on March 6 were generally free and fair; however, authorities in the Transnistria region interfered with the ability of residents there to vote. On April 4, the parliament reelected Communist Party leader Vladimir Voronin as president. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistrian authorities remained poor. There were reports of the following human rights problems:

- selective official harassment and intimidation of the political opposition
- security force beatings, particularly of persons in police custody and Roma
- incommunicado detention for extended periods
- harsh prison conditions
- arbitrary arrest and detention of Roma
- judicial and police corruption
- monitoring by security forces of political figures through unauthorized wiretaps and, at times, illegal searches
- intimidation of journalists into practicing self-censorship
- restrictions on freedom of assembly
- obstacles to official registration by a few religious groups
- persistent societal violence and discrimination against women and children
- trafficking in women and girls
- discrimination against Roma
- some limits on workers' rights
- child labor

In Transnistria: the right of citizens to change their government was severely restricted; authorities reportedly continued to use torture and arbitrary arrest and detention; prison conditions remained harsh, and two members of the so-called Ilascu Group remained in prison despite a July 2004 ruling in their favor by the European Court for Human Rights. Transnistrian authorities harassed independent media and opposition lawmakers, restricted freedom of association and of religion, and discriminated against Romanian-speakers.

RESPECT FOR HUMAN RIGHTS

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

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

b. Disappearance.—There were no reports of politically motivated disappearances during the year. The police investigation into the July 2004 disappearance of Sergei Gavrilov, who was imprisoned in Transnistria during the early 1990s and allegedly witnessed the mistreatment of members of the “Ilascu Group,” continued at year’s end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police employed cruel and degrading arrest and interrogation methods and that guards beat prison inmates. On June 30, parliament approved a law criminalizing torture.

Nongovernmental organizations (NGOs) reported several cases of cruel, inhuman, or degrading treatment of prisoners and detainees. For example, the local Amnesty International (AI) office reported that armed police beat several Roma in a mid-July raid on a Romani community in Edineti in connection with a murder investigation. Police in Chisinau detained three persons incommunicado for several weeks (see section 1.d.).

According to the Helsinki Committee, the Ministry of Internal Affairs took administrative action against the officers involved in the September 2004 beating and interrogation of Petru Calamanov.

Prison and Detention Center Conditions.—Conditions in most prisons in the country (including Transnistria) remained harsh, and in some instances were life-threatening, with serious overcrowding. Cell sizes did not meet local legal requirements or international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons. Conditions were particularly harsh in facilities for persons awaiting trial or sentencing. AI reported that one detainee, Oleg Talmazan, suffered a heart attack in March 2004 but was not hospitalized for almost two weeks even though emergency ambulance personnel recommended immediate hospitalization. Other detainees reported being denied food and water and being held in underground facilities without medical care, fresh air or ventilation, or appropriate sanitation.

On June 27, several hundred inmates protested their detention conditions and treatment at a prison in Tiraspol (in Transnistria). The prisoners went on hunger strike and inflicted cuts and other injuries on themselves. The protests ended after

several days, and a representative of the Organization for Security and Cooperation in Europe (OSCE) was allowed to visit the prison.

In August 2004 the Supreme Court of Justice ordered the Bender prosecutor's office to take action to resolve the situation of 250 prisoners with tuberculosis who were held at Bender prison under inadequate conditions, but the prosecutor's office had taken no action by year's end.

Pretrial detainees generally were held separately from convicted prisoners, although there were reports of convicted prisoners remaining in detention facilities due to prison overcrowding. Children convicted of crimes were sent to adult prisons, where they were held in separate cells. A survey by the NGO Institute for Penal Reform (IPR) revealed cases of minors detained for the first time in pretrial detention together with minors who had a past history of detention and were suspected of grave offenses. IPR reported a case of a female minor being detained together with adults.

Government and independent human rights observers were generally permitted to visit prisons. The Moldovan Center for Human Rights regularly made prison visits during the year. The government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners. Transnistrian authorities allow the ICRC to visit the Ilascu Group prisoners once a year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, at times, police arbitrarily arrested and detained Roma (see section 5).

Role of the Police and Security Apparatus.—The national police force is the country's primary law enforcement body. The police force is subdivided into regional and city police commissariats, which are subordinated to the Ministry of Internal Affairs. Police corruption remained a problem. During the year, authorities brought 190 criminal cases against employees of the Ministry of Internal Affairs for bribery, robbery, and abuse of office, compared with 199 such cases in 2004. The Prosecutor General's Office is responsible for investigating the activities of the police. An internal affairs unit, reporting to the Ministry of Internal Affairs, investigated minor incidents of corruption.

Arrest and Detention.—Judges issue arrest warrants based on cases presented by prosecutors. Under the law, authorities must promptly inform detainees of the reason for their arrest and the charges against them. Suspects may be detained without charge for 72 hours. The law provides accused persons the right to a court hearing on the legality of their arrest. These rights were not always respected in practice.

Once charged, a detainee may be released on personal recognizance pending trial; in some cases, to arrange release, friends or relatives were allowed to give a written pledge that the accused would appear for trial. The law provides for a system of bail, but it was rarely used. Authorities generally did not release before trial detainees accused of violent or serious crimes.

Detainees had the right to a defense attorney; however, at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after detention. Police often told persons that they were considered witnesses in a case and questioned them without a lawyer present, then changed their status to that of suspect. Detainees were often presented with the charges against them without a lawyer present. The government requires the local bar association to provide an attorney to defendants who are unable to afford one, but the government did not pay legal fees, and defendants often did not have adequate counsel. Detainees were generally allowed access to family members.

Local and international NGOs reported arbitrary detention and arrests of Roma without cause or warrants, often without granting them access to a lawyer (see section 5). According to AI, on July 18, the police detained more than 30 Romani men and boys, some as young as age 12, during a raid in the town of Edineti. Most were held for two days before a local court ordered their release; most were released without charge. Mikhail Kaldarar, who was detained on July 18, was subsequently transferred to a holding facility in Chisinau. Although the court ordered his release on July 25, authorities held Kaldarar until September 8, without allowing him access to his family or lawyer. In connection with the same investigation, Vasiliu and Ana Kodrian were taken into custody on August 18 on the grounds that their son, who was not apprehended, was a suspect in a murder investigation. They were held incommunicado for several weeks until their releases on September 12 and 7, respectively.

There were occasional detentions that some observers regarded as politically motivated. On October 19, local authorities briefly detained Mikhail Formuzal, mayor of Ciadir-Lunga in the Gagauz autonomous region and a leading opposition figure in

Gagauzia on charges of abuse of office and misuse of funds. Formuzal was forbidden to leave the city while the investigation continued.

In March police arrested former defense minister Valeriu Pasat on accusations of defrauding the government of several million dollars. Many observers considered his arrest and detention politically motivated. A trial was completed in December, and Pasat remained in custody while a verdict was pending at year's end.

The trial of Chisinau water utility head Constantin Becciev, which began in 2003, remained pending at year's end. Becciev, who was held in preventive detention for six months in 2003, continued to run the utility after his release. On October 4, in a separate case lodged by Becciev, the European Court for Human Rights (ECHR) concluded that the country had held Becciev in inhuman and degrading conditions and had not provided a fair trial; the court obliged the country to pay Becciev for moral damages and lawsuit-related expenses.

The laws permit pretrial detention for an initial period of 30 days. The courts may extend pretrial detention to 12 months on an individual basis, based on the severity of the alleged crime. Detentions of several months were fairly frequent; in rare instances, pretrial detention was extended for several years. At year's end there were 8,876 persons in prison: 259 were minors, 417 were women, and 2,472 were pretrial detainees.

In May Gagauz authorities granted amnesty to Ivan Burgudji, an official of the Gagauz autonomous region and well-known Gagauz nationalist. In 2003 the Chisinau tribunal court sentenced Burgudji to five years in prison for abuse of power and malicious hooliganism in connection with his opposition political activities.

Transnistrian authorities regularly harassed and often detained persons suspected of being critical of the regime for periods of up to several months.

On November 22, Transnistrian authorities detained for several hours and reportedly abused two brothers, aged 12 and 15, who were the sons of a teacher at one of the Latin script schools in Transnistria. The Transnistria militia reportedly explained they had detained the boys to clean the city of homeless people before the December legislative elections.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but official pressure and corruption of judges remained a problem. There continued to be credible reports that local prosecutors and judges extorted bribes in return for reducing charges or sentences, and observers charged that courts were sometimes politically influenced. Political factors played a large role in the reappointment of judges.

The judiciary consists of lower courts, courts of appeal, and the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases regarding the constitutionality of draft and final legislation, decrees, and other government acts. The Constitutional Court was the only court generally regarded as fair and objective.

The prosecutor general's office is autonomous and answers to parliament. It is responsible for overseeing criminal investigations, presenting charges before a court, and protecting the rule of law and civil freedoms. Prosecutors may open and close investigations without bringing the matter before a court, giving them considerable influence over the judicial process.

Trial Procedures.—While defendants in criminal cases are presumed innocent, in practice a prosecutor's recommendation carried considerable weight and limited a defendant's actual presumption of innocence. Trials were generally open to the public; however, due to a shortage of courtrooms many cases were heard in judges' offices. Court session information, such as trial times, locations and verdicts, was rarely posted publicly as required by law, which limited public access to court proceedings. Cases were presented to a judge or panel of judges depending on the complexity of the case. Defendants have the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an attorney to defendants who are unable to afford one; however, since the government did not pay ongoing legal fees, defendants often did not have adequate counsel. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review evidence against their clients when preparing cases. Convicted persons have the right to appeal to a higher court.

The law provides for the accused to have an interpreter if needed, both at the trial and when reviewing documents of the case; however, due to a lack of resources, persons requiring an interpreter often had their hearings repeatedly postponed. If the majority of participants agree, trials may be conducted in Russian or another language instead of Romanian.

There is no juvenile justice system, and children accused of crimes usually were tried by the criminal courts. There were judges in each region and in Chisinau specializing in cases involving minors.

The country has a military justice system, whose courts have generally the same reputation as civilian courts. Its jurisdiction extends to crimes committed by active duty military personnel and crimes committed by reserve or retired military personnel while they were on active duty. The military courts can also try civilians for crimes committed against military personnel if the plaintiff presses charges through the military prosecutor's office.

Political Prisoners.—Transnistrian authorities continued to refuse compliance with a July 2004 ECHR ruling to release two members of the Ilascu Group convicted in 1993 of killing two Transnistrian officials; their sentence has two years remaining. There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government did not respect these prohibitions in practice.

It was widely believed that the security agencies conducted illegal searches, including wiretaps. Only a judge can legally authorize wiretaps and may do so only if a criminal investigation is underway; in practice, the judiciary lacked the ability to control security organizations and police or to prevent them from using wiretaps illegally. Courts did not exclude evidence obtained illegally. It was widely believed that security agencies electronically monitored residences and telephones. During the February parliamentary election campaign, police searched a Chisinau office of the opposition Social Democratic Party, confiscating a list of party supporters and files of several party members. Police searched the Cahul offices of the opposition Christian Democratic People's Party and the Democratic Moldova Bloc; authorities asked both parties to present data on sources of financing for their election campaigns.

During the year, police reportedly informed persons of Middle Eastern origin that they were being carefully monitored. Several opposition politicians alleged that government authorities were illegally monitoring them.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the government sometimes restricted these rights; however, the government on occasion intimidated journalists into practicing self-censorship.

The print media expressed a wide variety of political views and commentary. The government owned a news agency; national and city governments subsidized a number of newspapers. Political parties and professional organizations also published newspapers, most of which had a circulation of less than 15 thousand. The government did not restrict foreign publications, but most were not widely circulated due to high costs. Russian newspapers were available; some of them published special Moldovan weekly supplements.

Most radio stations rebroadcast programs from Romania and Russia, offering only a limited amount of locally produced programming. The government controlled a radio station and a television station (Teleradio Moldova—TRM) that covered most of the country. Some local governments, including in Chisinau and Gagauzia, operated television and radio stations as well as newspapers. The country received television and radio broadcasts from Romania, Ukraine, and Russia. A number of cable subscribers received a variety of foreign television programs, including news programs.

The number of media outlets not owned and operated by the government or a political party increased, but many of these independent media remained in the service of, and secured large subsidies from, the government and political movements.

In June authorities sold the two government-owned newspapers, *Moldova Suverana* and *Nezavisimaya Moldova*. The sale fulfilled one of the conditions put forward by the parliamentary opposition in return for supporting President Voronin's re-election in April. The two newspapers continued as independent publications but retained their pro-government stance.

The restrictive regulatory framework for media coverage of the March 6 parliamentary election campaign made it difficult for citizens to get information about the candidates. On February 23, responding to international and domestic concerns, the Central Election Commission (CEC) revised the regulations, dramatically increased the airtime for debates on public stations, and allowed news programs to cover the campaign. The CEC decision came less than two weeks before the election, which lessened its efficacy.

Authorities released for lack of evidence a suspect in the June 2004 beating and robbery of investigative journalist Alina Anghel of the independent newspaper *Timpul*, and the investigation remained ongoing at year's end.

There were no developments in the case of Nicolae Roibu, another *Timpul* journalist, whom unknown persons attacked and robbed of his dictaphone and tape recordings in 2003.

The law prohibits foreign governments from funding or supporting domestic publications. In practice, Romanian government-supported publications complied with the law by receiving funds from "foundations" created for this purpose. The government did not prosecute publications receiving funds from other states.

On October 18, the Audiovisual Coordinating Council suspended the license of Analytic Media Group to rebroadcast the Russian news channel, Channel One, on one of the three nationwide television networks. Foreign observers expressed concern over the lack of transparency of the decision-making process and the independence of the Audiovisual Coordinating Council.

Despite the transformation of Teleradio Moldova into a public company in August 2004, controversy continued over alleged government control of the company. Teleradio Moldova employees charged that selection of employees for the new company was biased against journalists who were critical of the government. Several journalists who had been dismissed sued Teleradio Moldova's administration. In one such case, a court upheld the legality and competency of Teleradio Moldova's hiring committee. Other lawsuits remained pending at year's end.

Several international organizations sponsored a monitoring project, which showed that Teleradio Moldova continued to limit coverage of the opposition while giving extensive positive coverage to the activities of the government.

Journalists and media outlets continued to face libel suits under the civil code, but there were no reported cases of such suits during the year. The weekly newspaper *Timpul* lost a 2004 lawsuit in which the Daac-Hermes Company alleged \$2 million (24.8 million lei) damages from the publishing of "calumnious" information. Also in 2004 the head of the government-owned Moldovan Railroad filed a civil suit against the independent Russian-language newspaper *Moldavskie Vedomosti*, asking for \$50 thousand (620 thousand lei) for "moral damages." On July 12, the court ordered *Moldavskie Vedomosti* to pay a penalty of \$2 thousand (25 thousand lei). *Moldavskie Vedomosti* filed an appeal with the ECHR, which was pending at year's end.

Both print and broadcast journalists reportedly practiced self-censorship due to government and public figures' use of civil defamation and calumny laws and to complaints from authorities about news coverage.

There were no government restrictions on the Internet or academic freedom.

One of the two major newspapers in Transnistria was controlled by the separatist authorities and the other by the Tiraspol city government. There was one independent weekly newspaper in Bender and another in the northern Transnistrian city of Ribnitsa. Separatist authorities harassed the independent newspapers when they criticized the Transnistrian regime. Other print media in Transnistria did not have a large circulation and appeared only on a weekly or monthly basis; some of them also criticized local authorities. Most Moldovan newspapers did not circulate widely in Transnistria, although they were available in Tiraspol.

In July the Transnistrian Supreme Soviet amended the election code to prohibit media controlled by the Transnistrian authorities from publishing results of polls and forecasts related to elections.

In August, under an OSCE-negotiated formula, the Transnistrian authorities registered all Latin-script schools in the region, allowing them to start a new school year. In previous years Transnistrian authorities used threats of violence to force schools (which teach in the Romanian language) to use Cyrillic rather than Latin script (see section 5).

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, at times the government limited this right in practice. In several instances, citizens were arrested during peaceful protests, detained for several hours, and then released without charge. On May 16, Chisinau authorities refused to issue a permit to the NGO Gender DocM for a peaceful demonstration in conjunction with the country's fourth annual gay pride events (see section 5).

The OSCE Office for Democratic Institutions and Human Rights' (ODIHR) final report on the March 6 parliamentary elections noted several cases where local administrations either did not authorize campaign meetings or obstructed access to them.

The Transnistrian authorities usually did not permit free assembly; on those occasions when they did issue permits for demonstrations, they often harassed organizers and participants, although there were no such incidents reported during the year.

Freedom of Association.—The constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, the constitution also prohibits organizations that are “engaged in fighting against political pluralism,” the “principles of the rule of law,” or “the sovereignty and independence or territorial integrity” of the country. Small parties favoring unification with Romania charged that this provision was intended to impede their political activities, but no group has been prevented from forming as a result of this provision. While private organizations, including political parties, were required to register, applications were approved routinely.

Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of some religious groups. Although there is no state religion, the Moldovan Orthodox Church received special treatment from the government. For example, the Metropolitan of Chisinau and All Moldova and other high-ranking Orthodox Church officials received diplomatic passports.

The law requires religious groups to register with the State Service for Religions (SSR). Unregistered religious groups may not buy land or obtain construction permits for churches or seminaries.

At year’s end the SSR had not registered the True Orthodox Church of Moldova, despite a 2002 Supreme Court ruling in the church’s favor. The SSR and the government attempted a variety of appeals but still were ordered to register the church. According to the SSR, the wording of the court decision, which obliges the government rather than the SSR to register the church, has prevented the church’s registration. The Church of Jesus Christ of Latter-day Saints, the Central Muslim Spiritual Board of Moldova, and the Spiritual Organization of Muslims in Moldova also continued to encounter bureaucratic obstacles to registration. The SSR stated that the application of the Mormons was pending, while the SSR monitored the activities of the church. In the case of the Muslim organizations, the SSR stated that they failed to present the necessary documents for registration.

The Spiritual Organization of Muslims reported fewer problems with the police, who in the past frequently appeared at their local office during Friday prayers, checked participants’ documents, and took pictures. In March the organization received a letter from the Ministry of Justice, demanding that it stop the propagation of an unregistered cult. In March 2004 the police raided the organization’s meeting place after Friday prayers, detained several members, and subsequently deported three Syrian citizens for not having proof of legal residence. The authorities claimed the services were illegal because the organization was not registered and because the meeting place was not being used in accordance with the organization’s status as a charity.

Baptists reported interference from government authorities in constructing places of worship. Authorities continued to ban work on constructing a Baptist church in the village of Capriana, which they had stopped in May 2004.

A July 2004 Transnistrian supreme court ruling limited the activities of the Jehovah’s Witnesses to the city of Tiraspol, but the court rejected the Tiraspol public prosecutor’s 2002 request to annul the group’s registration and prohibit its activities altogether. In December 2004 the Tiraspol city prosecutor notified the Jehovah’s Witnesses that the church would need to reregister, but the Jehovah’s Witnesses were unable to obtain from the Transnistrian authorities the required documents. The Transnistrian supreme court refused to hear an appeal filed by the Jehovah’s Witnesses early in the year. Transnistrian authorities reportedly accused Jehovah’s Witnesses of lacking patriotism and spreading Western influence and developed school teaching aids that contained negative and defamatory information regarding the Jehovah’s Witnesses.

Although the law prohibits “abusive proselytizing”—defined as “an attempt to influence someone’s religious faith through violence or abuse of authority”—the government has not taken legal action against individuals or organizations for proselytizing. Foreign missionaries may enter the country for 90 days on a tourist visa.

Nondenominational “moral and spiritual” instruction is mandatory for primary school students and optional for secondary and university students. Some schools have a specific class on religion; student participation requires parental consent.

The law that provides for restitution of property confiscated during the Nazi and Soviet regimes to politically repressed or exiled persons has been extended to religious communities; claims of the Moldovan Orthodox Church have been favored over those of other religious groups, and the church has recovered nearly all of its property. In cases where property was destroyed, the government offered alternative compensation. Property disputes between the Moldovan and Bessarabian branches of the Orthodox Church have not been resolved; representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated and a case they filed with the ECHR against the country was pending at year's end. The Jewish community, which experienced mixed results in recovering its property, had no pending claims.

Societal Abuses and Discrimination.—Members of Jehovah's Witnesses complained that various local town councils and Orthodox priests and their adherents had impeded their ability to practice their religion freely. On April 28 several residents of Comrat led by a city councilman entered a construction site, where Jehovah's Witnesses were building a house of worship; the group threatened and insulted workers and demanded they stop work. A week later Comrat Mayor Nikolai Dudoglo temporarily suspended construction and referred the matter to the city council, which, on May 20, decided to suspend indefinitely the previously issued construction permit. The Jehovah's Witnesses reported similar problems in obtaining and maintaining construction permits to build houses of worship in villages throughout the country. Baptists also reported that townspeople in several localities physically or verbally abused them at the instigation of local Orthodox priests.

There were a few reports of negative press articles about non-Orthodox religions. Articles targeted members of Jehovah's Witnesses, criticizing their beliefs and legitimacy; Baptists in Transnistria also complained of negative press reports about their religion.

Non-Orthodox groups in Transnistria complained that they were generally not allowed to rent property and were often harassed during religious services.

The Jewish community numbered approximately 25 thousand. On May 3, six tombstones were destroyed in the Jewish cemetery in Chisinau. Three young men, two from Chisinau and one from Tiraspol, were arrested in connection with the vandalism; their motives were not clear, but Jewish community leaders stated that they did not consider the vandalism an act of anti-Semitism.

There has been no progress in the investigation into several anti-Semitic acts, which took place in Tiraspol (Transnistria) in March and May of 2004 when unknown persons desecrated more than 70 tombstones in the Jewish cemetery and later unsuccessfully attempted to set the Tiraspol synagogue on fire. Transnistrian authorities believed the attacks were perpetrated by the same individuals.

There were no developments in the 2003 destruction by unknown persons of eight tombstones in a Jewish cemetery in Balti.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice. Transnistrian authorities sometimes restricted travel to and from the separatist region.

Transnistrian authorities applied a transit fee to Moldovan nationals crossing through Transnistria and often stopped and searched incoming and outgoing vehicles. Transnistrian authorities prevented farmers from government-controlled villages in the Dubassari region of Transnistria from traveling to areas outside Transnistria to sell their produce and, in some cases, blocked farmers' access to their fields.

The law prohibits forced exile, and the government did not employ it.

Citizens generally were able to depart from and return to the country freely; however, there were some restrictions on emigration. Persons wishing to emigrate must meet all outstanding financial obligations to other persons or legal entities before emigrating. Close relatives who are dependent on a potential emigrant for material support must give their concurrence. Although the government may deny permission to emigrate if the applicant had access to state secrets, no such cases have been reported for several years.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status and asylum. The Government also pro-

vided temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol and provided it to seven persons during the year. Although the government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, AI reported that Chechen asylum-seekers experienced delays in having their applications adjudicated, and in some cases no decisions were taken. In October several refugees complained about delays in receiving their legal documents including identification cards and travel permits.

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 in most of the country through periodic, generally free and fair elections held on the basis of universal suffrage, although authorities harassed and intimidated the political opposition. Authorities in Transnistria restricted the right of citizens to change their government.

The constitution provides for a parliamentary form of government. Parliament by a three-fifths vote elects the president, who appoints the prime minister, who in turn names a cabinet. Parliament must approve both the prime minister and the cabinet.

Elections and Political Participation.—On March 6, citizens voted in multiparty parliamentary elections. The ODIHR considered the balloting itself to be generally free and fair, but the campaign conditions and media coverage preceding the vote “were not satisfactorily equitable.” The ODIHR concluded that the elections generally complied with most OSCE and Council of Europe commitments and other international election standards. Nevertheless, the ODIHR commented, the elections fell short of meeting some standards “central to a genuinely competitive election process. Some restrictive legal provisions and interference by the authorities, in particular at the local level, hampered the campaigns of some contestants, especially those representing the opposition.” Restrictive media provisions in the electoral code hindered candidates from presenting themselves to the public. Election observers noted other shortcomings such as inaccurate and incomplete voter lists and group voting on election day. The law requires a minimum of five thousand members for registration of political parties, a threshold which the Council of Europe considered to be “a serious barrier to the maintenance of political parties.”

The authorities generally allowed international observers to monitor the elections, registering a record number of international and national observers for the elections. Several persons from Russia and the CIS who claimed to be observers were refused registration and were expelled from the country during the campaign for conducting “illegal activities” in the country. The authorities accused them of campaigning for and illegally funding one of the candidates.

The government selectively enforced regulations, including inspections and tax auditing, for individuals and businesses that belonged to or supported opposition parties. There were reports of police and officers from the Center for Combating Economic Crime and Corruption visiting printing houses that serviced opposition parties in the election campaign and preventing transport companies from providing buses to political parties to bring individuals to voter assemblies.

Two parties and one bloc won seats in the 101-seat parliament: the Communist Party won 56 seats, the three-party Democratic Moldova Bloc (BMD) gained 34 seats, and the Christian Democratic People’s Party won 11 seats. On April 4, the new parliament reelected Communist Party leader Vladimir Voronin president.

There were 21 women in the 101-seat parliament and 2 women in the 19-member cabinet. First Deputy Prime Minister Zinaida Greceanii, Justice Minister Victoria Iftodi, and Deputy Speaker of Parliament Maria Postoico were the highest-ranking female political figures in the country.

There were 26 members of ethnic minorities in the 101-seat parliament and 4 members of a minority in the 19-member cabinet. Russian, Ukrainian, Bulgarian, Azeri, and Gagauz minorities had representation in parliament. Deputies are elected from nationwide party lists rather than local districts.

Early mayoral elections in several towns, including Chisinau in July, were generally free and fair, including more media access and less government interference than in 2003. The elections in Chisinau failed four times because voter turnout did not reach the required one-third of registered voters.

A Christian Turkic minority, the Gagauz, enjoyed local autonomy in Gagauzia in the southern part of the country. Two rounds of voting for the Gagauzia Popular Assembly in November 2003 generally met international standards but were marked by numerous irregularities.

Transnistrian authorities interfered with residents' ability to participate in elections. Internationally recognized election observers were not present during the December 11 elections to the Transnistrian Supreme Soviet, and the elections were not considered free and fair.

The January 9 referendum in Transnistria to recall opposition lawmaker Alexander Radchenko from his position in the Supreme Soviet for allegedly undermining Transnistrian society failed due to low turnout. "Government"-backed NGOs such as Proryv continued to harass Radchenko and fellow opposition lawmaker Nicolai Buchatsky, who were refused access to local media and routinely criticized by the government media. Neither Radchenko nor Buchatsky were reelected to the Supreme Soviet in the December 11 elections.

Government Corruption and Transparency.—Corruption was believed to be pervasive throughout the government and society, as reflected in numerous public opinion polls and widely reported by NGOs. The NGO Transparency International reported that corruption remained a "severe problem" in the country. Although the government has acknowledged corruption to be a problem and formed special law enforcement and judicial units to combat it, some critics charged that the government used these units to persecute political opponents. On April 11, the Center for Combating Economic Crime and Corruption arrested Deputy Minister of Labor and Social Protection Valeriu Mostovoi on charges of extorting a bribe. Mostovoi's trial was ongoing at year's end.

In March police arrested former defense minister Valeriu Pasat on accusations of illegally selling fighter jets to a foreign government in 1997. Many observers considered the arrest to be politically motivated, due to Pasat's association with previous administrations and his vocal support of the opposition BMD during the election campaign. At year's end Pasat remained in police custody, pending a verdict in his trial.

The Center for Combating Economic Crime and Corruption continued its year-long investigation into allegations of graft and corruption against opposition BMD leader Serafim Urechean (former mayor of Chisinau) and three other members of parliament (MPs) (two from Urechean's parliamentary group). BMD members accused the authorities of politically motivated harassment. On October 13, at the request of the Prosecutor General's Office, parliament voted to lift the immunity of Urechean and two other MPs from his faction in order to bring charges against them.

In late 2004 the Center for Combating Economic Crime and Corruption and the Prosecutor General's Office opened criminal investigations and arrested several Chisinau city officials. In a televised interview, President Voronin called the Chisinau mayoralty "a mafia nest." The former secretary of the Chisinau City Council, Vladimir Sarban, who had been in detention since his arrest in late 2004, was released October 12, after the ECHR ruled that the government's reasons for prolonging his detention were not relevant or sufficient. At year's end, the investigations of all the officials continued.

The law provides for free access to official information; nonetheless, in several cases authorities denied access to public information. For example, *Ziarul de Garda* newspaper never received a response to its June request to the presidency for a copy of a contract that the presidency signed with a private company. In 2004 the newspaper *Timpul* filed a complaint against parliament for refusing access to transcripts of its sessions. Although the Supreme Court dismissed the suit, parliament subsequently changed its internal regulations to permit publication of its transcripts.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, except in the Transnistrian region; however, officials were generally not responsive to their views.

The local Helsinki Committee for Human Rights maintained contacts with international human rights organizations; AI maintained a satellite office in Chisinau and was active in the country. Transnistrian authorities impeded the activities of human rights groups in that region.

In anticipation of the March 6 parliamentary elections, more than 200 local NGOs formed the Civic Coalition for Free and Fair Elections "Coalition 2005," to monitor the elections. The coalition issued several reports on its long-term observation findings and was a frequent target of verbal attacks by the ruling Communist Party. On February 9, the Communist Party's executive secretary Victor Stepaniuc published an open letter to the coalition, accusing it of supporting an electoral contestant and threatening to confiscate its funding from international donors. The coal-

tion refuted the accusations, and several diplomatic missions issued a statement in support of the organization.

The government cooperated with the OSCE, which maintained a mission in the country to assist efforts to resolve the Transnistrian conflict. The OSCE participated in the Joint Control Commission that monitors compliance with the cease-fire agreement. Transnistrian authorities occasionally limited OSCE access to the region, including to the security zone dividing Transnistria from the rest of the country.

The law provides for three parliamentary advocates (ombudsmen) and an independent center for human rights, the Moldovan Human Rights Center. Parliament appoints the three advocates, who have equal rights and responsibilities, for five-year terms. Advocates may be removed from office only by a two-thirds vote of parliament. Parliamentary advocates are empowered to examine claims of human rights violations, advise parliament on human rights problems, submit legislation to the constitutional court for review, and oversee the operation of the Moldovan Human Rights Center. In practice the parliamentary advocates dealt mostly with low-level cases. Center personnel provided training for lawyers and journalists, visited jails, made recommendations on legislation, and organized round tables. In July the Moldovan Human Rights Center presented an annual report to parliament that documented the human rights complaints it received in 2004 and made recommendations for improving legislation in the field of human rights. Several opposition parliamentarians criticized the center for not being active enough in reporting violations and proposing solutions to human rights problems.

Transnistrian authorities reportedly attempted to control NGOs in the region by having security officials "invite" NGO representatives to their offices and by pressuring landlords not to renew selected office leases. The Chisinau-based NGO Promo-Lex reported that unidentified persons in Transnistria had followed their representatives, tapped their telephones, and broken into their offices. In November Ion Iovcev, the principal of a Romanian-language school in Transnistria and active advocate for human rights and critic of the Transnistrian leadership, received many threatening calls that he attributed to his criticism of the regime.

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

The law provides that persons are equal before the law regardless of race, sex, disability, or social origin; however, societal discrimination against women and some ethnic minorities, particularly Roma, persisted.

Women.—Domestic violence against women was a widespread problem. The law does not specifically address domestic assault. Women abused by their husbands may file charges under general assault laws, but the government rarely prosecuted domestic assault crimes. During the year the Ministry of Internal Affairs received 3,083 domestic violence complaints, including 39 cases of severe spousal abuse, of which 25 resulted in serious bodily injury and 14 resulted in death. Women's groups asserted credibly that the numbers of rapes and incidents of spousal abuse were underreported.

The government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public and law enforcement officials to address the problem. The city of Chisinau operated a women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hot line for battered women.

The law criminalizes rape but does not specifically address spousal rape. There were 247 cases of rape reported during the year, but most rapes went unreported. There were no specific government actions to combat rape.

Prostitution is not a crime but is a violation of civil law punishable by a fine or administrative detention of up to 30 days. Prostitution was widespread, and observers noted a growing sex tourism industry, which was particularly prevalent in upscale Chisinau hotels.

Trafficking in women was a serious problem (see section 5, Trafficking).

The law does not prohibit sexual harassment, and it was a common problem.

The law provides that women and men enjoy equal rights, and in practice women, who constituted approximately 50 percent of the workforce, received pay equal to that of men for equal work; however, women did not hold high-paying jobs in the same proportion as men.

Children.—There is extensive legislation designed to protect children, and the government provided supplementary payments for families with many children.

The law mandates government-provided free, compulsory, and universal education for at least nine years. Many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not illegal, such fees contradicted the government's policies and resulted in some parents keeping their children at home. The government and local authorities provided annual assistance to children

from vulnerable families to buy school supplies. The UN Children's Fund (UNICEF) reported that net primary school enrollment was 86 percent and secondary school enrollment was approximately 73 percent, with little difference in the rates of boys and girls.

Although the healthcare system devoted a large portion of its limited resources to childcare, childcare professionals considered the amount inadequate. Nonetheless, UNICEF reported that between 96 and 98 percent of children had been fully immunized against tuberculosis, DPT, polio, and measles.

While the law prohibits child neglect and specified forms of abuse, such as begging, child abuse was believed to be widespread. Although no comprehensive statistics on the problem exist, the National Center for Child Abuse Prevention registered 93 cases of abuse in the first seven months of the year. Observers alleged that women begging on the streets of Chisinau often sedated their babies to spend long hours begging.

Trafficking of children for the purpose of sexual exploitation and begging remained a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

The situation of children in orphanages was generally very poor. Due to lack of funding, children's institutions had major problems, including inadequate food, "warehousing" of children, lack of heat in the winter, and disease. According to the Ministry of Education, there were approximately 11,500 institutionalized children. Not all institutionalized children were orphans; the number of children entrusted to the government by needy parents or by parents leaving the country to look for work reportedly continued to grow. The government estimated that parents of approximately 20 thousand children worked abroad and placed their children in boarding schools or entrusted them to relatives.

Trafficking in Persons.—Although prohibited by law, trafficking in persons was a very serious problem. There were reports of involvement by some government officials in trafficking, but authorities opened investigations only against low-level government officials.

The law prohibits trafficking and provides for severe penalties, ranging from seven years to life imprisonment. Sentences for trafficking in children range from 10 years to life imprisonment. The penalty is 15 years to life imprisonment and confiscation of property for repeated or serious offenses, such as trafficking of groups, minors, or pregnant women; through kidnapping, trickery or abuse of power; with violence; or by a criminal organization.

During the year, authorities opened 397 trafficking-related investigations. The Prosecutor General's Office reported that during the year the government had referred 314 trafficking cases to court and had obtained 102 convictions for trafficking-related activities, compared with 95 convictions in 2004; 18 of the 102 convictions resulted in prison sentences.

The Ministry of Internal Affairs antitrafficking unit and the Prosecutor General have principal government responsibilities for combating trafficking. A special law enforcement unit within the Ministry of Internal Affairs continued to operate. The Police Academy curriculum includes an antitrafficking segment developed in conjunction with the international antitrafficking NGO La Strada.

The government improved cooperation with other member countries of the Southeast European Cooperative Initiative during the year, resulting in a number of convictions abroad. The government cooperated with Belarus, Ukraine, and Russia in investigating trafficking cases, as well as with Interpol on cases in Serbia and Montenegro and the United Arab Emirates.

The country was a major country of origin for women and children trafficked abroad for sexual exploitation and men and children who were trafficked to Russia and neighboring countries for forced labor and begging. The country was also a transit point for victims trafficked from Ukraine. Victims were increasingly trafficked to Russia and countries of the Middle East, such as Turkey, Israel, and the United Arab Emirates. The International Organization for Migration (IOM) reported an increase in the number of cases of families trafficked for begging to Poland. The IOM and Save the Children reported that Russia has increasingly become a destination country for trafficking victims, especially minors. During the year IOM assisted 262 returned trafficking victims, the majority of whom had been trafficked to Turkey, Russia, and the United Arab Emirates (149 returned from Turkey, 44 from Russia, and 9 from the United Arab Emirates). The National Committee to Combat Trafficking in Persons reported that new information indicated that men were being trafficked for agricultural and construction work to the Baltic states and to the Commonwealth of Independent States (CIS). There also were reports that women were trafficked to Lebanon, Syria, Israel, Saudi Arabia, the United Arab Emirates,

Portugal, France, Thailand, the United Kingdom, Spain, the United States, and Australia.

While many different individuals have become trafficking victims, the primary target group was the female population between the ages of 15 and 30. In 2004 the IOM reported that 12 percent of the victims they assisted were minors at the time of return, and 40 percent were minors at the time of their initial trafficking. Victims often came from rural areas where economic desperation had already driven many residents to look for work abroad. According to the IOM, most victims had already suffered some form of physical or sexual abuse at home and were willing to face significant risk to escape unbearable circumstances in their families. Women and girls typically accepted job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends, relatives, or acquaintances approached young women and offered to help them find good jobs abroad.

The IOM reported that former victims frequently acted as trafficking recruiters, sometimes under coercion, and that over the past two years women had recruited most of its caseload victims. Newspaper advertisements promising well-paying jobs abroad also lured many victims. The IOM also noted that traffickers themselves were mainly foreign men, and the International Labor Organization's (ILO) program for the elimination of child labor reported that in many cases traffickers of children have been Roma.

Another trafficking pattern involved orphans who were required to leave orphanages when they graduated from school, usually at the age of 16 or 17, and had no funds for living expenses or continuing education. Some orphanage directors reportedly sold information on when orphan girls were to be turned out of their institutions to traffickers, who approached the girls as they left.

According to the Center for Prevention of Trafficking in Women, parents or husbands pressured some young women to work abroad. Traffickers commonly recruited women from rural villages, transported them to larger cities, and then trafficked them abroad.

Victims were transported by car, van, train, and on foot across borders. Sometimes false documents were used, but increasingly victims traveled by plane with genuine documents.

Widespread corruption and lack of resources prevented adequate border control and monitoring of traffickers, particularly in Transnistria. Border guard and migration officials' salaries were low and frequently not paid regularly, making them vulnerable to bribery.

Observers alleged that corrupt low- and high-level government officials were involved in, or routinely turned a blind eye to, trafficking crimes. No high-level officials were prosecuted during the year, and no government officials were convicted of trafficking. A former policeman was investigated for trafficking women to the United Arab Emirates and deported back to the country in November 2004; at year's end he was free on bail pending trial. In another case, following an investigation in 2004, several officials of the Department of Youth and Sports were fined for issuing false documents used to obtain Western visas, with the intent of either trafficking or smuggling individuals. During the year the Ministry of Internal Affairs withdrew the licenses of several tourism and employment agencies for their suspected role in trafficking.

The Law on Preventing and Combating Trafficking in Persons enacted on October 20 provides for free social services for victims of trafficking, including a modest package of medical and psychiatric services, issuance of identity documents and residence permits, consular services, legal counseling and employment services such as vocational training and professional counseling. The law does not, however, clarify how its implementation will be funded.

The government had no programs to assist victims. Several NGOs offered repatriation assistance, temporary housing, and medical care for victims, and job training. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. The NGO La Strada Moldova provided informational and educational services and a national toll-free hotline.

The government took some steps to prevent the trafficking of persons and assist victims through its national antitrafficking committee. Local committees in each region of the country, and officials of various ministries and local governments were required to present reports on their antitrafficking efforts to the committee. On August 25, the government approved a new National Action Plan for Combating Trafficking in Persons, which was developed in conjunction with international organizations.

Local NGOs operated public school programs to educate young women about the dangers of prostitution. During the year, the IOM continued its information pro-

gram aimed at providing information to help citizens who have decided to go abroad avoid exploitation.

Persons with Disabilities.—Although the law prohibits discrimination against persons with physical and mental disabilities, there were reports of such discrimination. The local NGO Gaudeamus reported widespread discrimination against students with disabilities. There are no laws mandating access to buildings, and there were few government resources devoted to training persons with disabilities. The Social Assistance Division in the Ministry of Health and Social Protection and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Ukrainians and Russians are the two largest minorities. A Christian Turkic minority, the Gagauz, makes up a small percentage of the population living primarily in the Gagauz Autonomous Region (Gagauz Yeri) in the south of the country. Official statistics put the number of Roma at 11,600, but Romani NGOs estimated the number to be much higher.

Roma suffered violence, harassment, and discrimination. Local and international NGOs reported that Roma were victims of police beatings in custody, arbitrary arrest and detention, harassment by law enforcement officials, and societal violence and harassment (see sections 1.c., 1.d., and 1.e.). The European Roma Rights Center reported that officials discriminated against Roma with regard to housing, education, and access to public services.

The Roma were the poorest of the minority groups and often lived in unsanitary conditions in segregated communities lacking basic infrastructure. These conditions often led to segregated education and schools with even fewer resources than those elsewhere in the country. Many Romani children did not attend school, very few received a secondary or higher education, and there was no Romani-language education.

Minority rights and language were closely related problems. Romanian is the only official language, but Russian served as a language for interethnic communication and is well-established in practice. Russian speakers were not subject to discrimination in education or employment, and a citizen has a legal right to choose either language for interaction with government officials or commercial entities. Officials are required to know both Romanian and Russian “to the degree necessary to fulfill their professional obligations.” The law provides parents the right to choose the language of instruction for their children, and the government observed this right in practice.

Authorities in the separatist Transnistrian region continued to discriminate against Romanian speakers, although to a lesser extent than in previous years. They refused to observe the country’s language law, which requires the use of Latin script, and the region’s schools were required to teach Romanian using the Cyrillic alphabet. Many teachers, parents, and students objected to this requirement, asserting that it disadvantaged persons who wished to pursue higher education opportunities in the rest of the country or in Romania, where the Latin script is used.

In July, under an OSCE-negotiated formula, Transnistrian authorities allowed Latin-script schools located in Transnistria but registered with the Moldovan Ministry of Education to register locally and begin the school year in September. In the summer of 2004, police had closed the Latin-script schools in Ribnita, Tiraspol, Dubasari and Corjova, stating that the institutions violated the Transnistrian legal requirement for the schools to register locally and to use the Cyrillic alphabet for instruction.

Other Societal Abuses and Discrimination.—There were reports of governmental and societal discrimination based on sexual orientation.

According to Gender-DocM, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church often led to public ostracism of gays, lesbians, and their families. On May 16, Chisinau authorities refused to issue a permit for a peaceful demonstration in support of antidiscrimination legislation for sexual minorities during the country’s fourth annual gay pride events, reasoning that the country already had a law protecting minorities, and thus there was no reason for the demonstration.

Gender-DocM reported several incidents of gay children being asked to leave home by their parents and of villages shunning a family because of a gay child. The NGO reported that schoolteachers and university professors have been dismissed due to their homosexuality and that police regularly threatened gays and lesbians with public exposure if they did not pay bribes.

In Transnistria, homosexuality was illegal, and gays and lesbians were subject to governmental and societal discrimination.

Several NGOs reported instances of discrimination against persons with HIV/AIDS, particularly in rural villages.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to establish or join unions; however, there were reports that the government attempted to pressure individual unions to leave the confederation with which they were affiliated and join a confederation that supported government policies. Approximately 50 percent of the workforce belonged to a union.

There were two union confederations—the Trade Union Confederation of Moldova (TUCM) and the Confederation of Free Trade Unions Solidaritate (Solidarity). The latter advocated government positions and was widely believed to enjoy government support. During the year, the government continued to pressure several local teachers' unions to quit TUCM and join Solidaritate. The government did not respond to calls by the TUCM leaders and the International Confederation of Free Trade Unions that it stop interfering in the internal affairs of the union movement.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, the right to organize, and the right to conduct activities without government interference; however, the government did not always respect these rights in practice (see section 6.a.). The law provides for the right to strike, except for workers in essential services, and workers exercised this right by conducting legal strikes.

The government, company management, and unions negotiated national minimum wages in tripartite talks. Arbitration committees typically settled workplace labor disputes. If an arbitration committee failed to settle a dispute, parties could take it to the court of appeals.

Public officials and workers in essential services such as emergency health care, water and energy supply, telecommunications, air traffic control, law enforcement, judges and military employees do not have the right to strike; the law provides for arbitration of disputes in these sectors with court mediation as a final option to ensure due process.

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

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred (see section 5).

Child labor was a problem (see section 6.d.).

d. Prohibition of Child Labor Practices and Minimum Age for Employment.—The law sets standards for child labor, including the minimum age for employment, hours of work, and working conditions, and prohibits the worst forms of child labor; however, the government did not effectively enforce these protections. The law provides for 10 to 15 years' imprisonment for persons involving children in the worst forms of child labor; under aggravated circumstances, sentences could be life imprisonment. Child labor was a problem. Due to the poor economic conditions, parents often sent children to work in the fields or to find other work, and those living in rural areas often assisted in the agricultural sector.

The minimum age for unrestricted employment was 18 years. Persons between the ages of 16 and 18 were permitted to work under special conditions, including shorter workdays, no night shifts, and longer vacations.

Trafficking in persons, including trafficking of children, remained a very serious problem (see section 5).

Efforts to enforce child labor laws did not deter violators. The Labor Inspection Office (LIO), which in April was moved from the Ministry of Labor and Social Protection to the Ministry of Economy and Trade, is responsible for investigating possible child labor violations. The LIO, which has not uncovered any child labor violations since its creation in 2002, found it difficult to distinguish between children involved in forced labor and those involved in the common practice of helping on family farms.

The ILO in cooperation with the government implemented aspects of its international program for the elimination of child labor by strengthening local antitrafficking committees, establishing community-based youth centers, training representatives of employers' organizations and trade unions, promoting employment for at-risk youth and parents, and improving care for child victims of trafficking.

e. Acceptable Conditions of Work.—The legal minimum monthly wage was approximately \$16 (200 lei) for public sector employees and approximately \$44 (550 lei) for private sector employees, neither of which provided a decent standard of liv-

ing for a worker and family. The LIO is responsible for enforcing the minimum wage regulation, and it opened some administrative cases against employers who violated it. Severe budgetary constraints often prevented government and private sector employers from meeting employee payrolls.

The law sets the maximum workweek at 40 hours with extra compensation for overtime, and the law provides for at least one day off per week.

The government is required to establish and monitor safety standards in the workplace. The LIO is responsible for enforcing health and safety standards; however, health and safety standards were not adequately enforced. Workers have the right to refuse to work if working conditions represent a serious health threat, but there were no reports that workers exercised this right in practice. Poor economic conditions led enterprises to economize on safety equipment and give inadequate attention to worker safety. According to labor inspection office preliminary data, there were 121 workplace accidents during the year, in which 41 persons died.

MONACO

Monaco, with a population of approximately 32 thousand, is a constitutional monarchy in which the sovereign prince plays a leading role in governing the country. The prince appoints the four-member government, headed by a minister of state chosen by the Prince from a list of candidates proposed by France. Legislative power is shared between the prince and the popularly elected 24-member National Council (parliament). The 2003 parliamentary elections were considered free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- restrictions on citizens' right to change their government
- limits on freedom of speech
- legal discrimination against women

RESPECT FOR HUMAN RIGHTS

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

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

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 officials employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by human rights monitors; however, there were no such visits 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.—In addition to the French national police force, the prince's police force (Carabiniers du Prince) performed security functions. The Prince's chef de cabinet is responsible for administering the police forces. Corruption and impunity were not problems. The police forces are generally considered effective.

Arrest and Detention.—Arrest warrants, issued by a duly authorized official, are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial two-month detention for additional two-month periods indefinitely. Detainees are allowed prompt access to a lawyer of their choice, and, if indigent, one provided by the government. The magistrate may permit family members to see detainees.

There were no reports of political detainees.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision in practice. Under the law the prince delegates his judicial powers to the judiciary.

The Supreme Court is appointed by the monarch based on recommendations from the National Council.

Trial Procedures.—Trials are public, but there are no jury trials. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant has the right to be present and the right to counsel, at public expense if necessary. Defendants have the right to question witnesses against them and to present their own witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases. The defendant enjoys a presumption of innocence and the right of appeal. After a prisoner receives a definitive sentence, they are transferred to a French prison to serve out their prison term.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights. However, the law prohibits public denunciations of the ruling family, a provision that the media respected in practice.

The independent media were active and expressed a wide variety of views without restriction.

There were no government restrictions on the Internet or academic freedom.

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

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. Roman Catholicism is the state religion.

No missionaries operated in the principality and proselytizing is strongly discouraged; however, there is no law against proselytizing by religious organizations that are formally registered by the Ministry of State. Organizations regarded as religious “sects” routinely have been denied such registration; however, there were no reports of religious organizations being denied registration during the year.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts. Monaco is 90 percent Roman Catholic and has a very small Jewish community.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

Nationals enjoyed the rights of emigration and repatriation; however, they can be deprived of their nationality for specified acts, including naturalization in a foreign country. Only the prince can grant or restore nationality, but he is obliged by the law to consult the crown council on each case before deciding.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. In light of its bilateral arrangements with France, the government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of such cases was very small.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

Authority to change the government and to initiate laws rests with the prince. The constitution cannot be suspended, but it can be revised by common agreement between the prince and the elected national council. The prince plays an active role in government. He names the minister of state (in effect, the prime minister) from a list of names proposed by the French government. He also names the three coun-

selors of government (of whom the one responsible for the interior is usually a French national). Together the four constitute the government. Each is responsible to the prince.

Only the prince may initiate legislation, but the 24-member national council may propose legislation to the government. All legislation and the adoption of the budget require the council's assent. Elections for the national council, which are held every five years, are based on universal adult suffrage and secret balloting.

The law provides for three consultative bodies: the seven-member crown council, composed exclusively of Monegasque nationals, must be consulted by the prince on certain questions of national importance; the 12-member council of state, which is not restricted to Monegasque citizens, advises the prince on proposed legislation and regulations; and the 30-member economic council, which includes representatives of employers and trade unions.

Elections and Political Participation.—The 2003 parliamentary elections were considered free and fair.

There were 5 women in the 24-member national council, 1 woman in the 7-member crown council, and 4 women on the 30-member economic council. A woman was the mayor of Monaco.

There were no members of minorities in the government.

Government Corruption and Transparency.—There were no reports of government corruption during the year.

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

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

While the government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups were formed. International human rights groups did not seek to investigate human rights conditions in the country.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally effectively enforced it; however, some legal discrimination against women remained.

Women.—Violence against women, including spousal abuse, was rare. The law prohibits violence against women, and the government generally effectively enforced it. Any wife who is a victim of spousal abuse may bring criminal charges against her husband.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes.

Prostitution is illegal, and it was uncommon.

Sexual harassment was illegal, and the government effectively enforced the law. There were no reports of sexual harassment during the year.

Under the law, women enjoy the same rights as men; however, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Women received equal pay for equal work. Women were represented fairly well in the professions; however, they were represented less well in business.

Children.—The government was committed fully to the protection of children's rights and welfare. The government provided compulsory, free, and universal education for children up to the age of 16.

The government provided free health care for children, and boys and girls had equal access.

There were isolated reports of abuse of children.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. The government mandated that public buildings provide access for persons with disabilities, and this goal largely had been accomplished by year's end.

Section 6. Worker Rights

a. The Right of Association.—By law all workers (except government workers) are free to form and join unions, and workers exercised this right in practice; however, fewer than 10 percent of workers were unionized, and relatively few workers, union-

ized or nonunionized, resided in the country. Unions were independent of both the government and political parties.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of workers to bargain collectively, but it is rarely used. A very small percentage of workers are under collective bargaining agreement, as industrial activity was very limited. The law provides for the right to strike in conformity with relevant legislation; however, government workers may not strike. There were no strikes during the year. There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced the laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old.

The counselor of government for the interior is responsible for enforcing the child labor laws and regulations, and they were effectively enforced.

e. Acceptable Conditions of Work.—The legal minimum wage for full-time work is the French minimum wage, which is approximately \$9.60 (8 euros) per hour, plus a 5 percent adjustment, and this provided a decent standard of living for a worker and family. Most workers received more than the minimum.

The legal workweek is 39 hours. The government allows companies to reduce the workweek to 35 hours if they so choose.

Health and safety standards are set by law and government decree. These standards were effectively enforced by health and safety committees in the workplace and by the government labor inspector. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and the authorities effectively enforced this right.

THE NETHERLANDS

The Netherlands, with a population of approximately 16.3 million, is a constitutional monarchy with a bicameral parliamentary legislative system. Parliamentary elections, most recently held in January 2003, were free and fair. A prime minister and a cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. The following human rights problems were reported:

- societal discrimination and violence against some religious and ethnic minorities
- violence against women and children
- trafficking in women and girls for sexual exploitation.

Aruba and the Netherlands Antilles are two autonomous countries of the Kingdom of the Netherlands; they also feature parliamentary systems and full constitutional protection of human rights. In practice, respect for human rights in these islands generally was the same as in the European Netherlands; however, the islands' prison conditions remained substandard.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

There were incidents of rightwing and racist violence against religious and ethnic minorities (see section 2.c.).

Prison and Detention Center Conditions.—Prison conditions in the country generally met international standards, and the government permitted visits by independent human rights observers.

Several persons died possibly due to negligence in a fire at a detention center for illegal immigrants and asylum seekers.

During the year, the governments of the Netherlands Antilles and Aruba continued to improve prison staffing and capacity to address concerns by the Council of Europe's Committee for the Prevention of Torture. Both governments took steps to alleviate overcrowding. They increased cell capacity at the Bon Futuro prison in Curacao and introduced a pilot project on home arrest for selected prison inmates. New women's and juvenile sections opened at the correctional institute Aruba while the detention center in Bonaire was renovated and placed under the supervision of the Netherlands Antilles Prison Service. Despite these improvements, problems remain. On Curacao, several stabbings and shootings took place among rival gang members in the Bon Futuro prison, while several inmates escaped. In St. Maarten, illegal immigrants held a hunger strike because they were not repatriated in a reasonable amount of time. The government of the Netherlands continued to provide assistance to improve prison conditions and management.

The governments of the Netherlands Antilles and Aruba permitted access by independent human rights observers to prisons; however, no such visits occurred during the year.

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

Role of the Police and Security Apparatus.—Regional police forces have primary responsibility for maintaining internal security. The royal constabulary and investigative organizations also have specified responsibilities for internal and external security. The police were generally effective, conducting their investigations in a professional manner. There were no indications of systematic police corruption, although there were reports of corruption with the customs and police officers at Schiphol airport (see section 3).

Arrest and Detention.—Police officers, acting under the authority of the public prosecutor, conduct criminal investigations. A prosecutor or senior police officer must order arrests. Police officers may question suspects for a maximum of 12 hours and may detain a suspect for up to 6 days upon an order of the public prosecutor. Detainees are promptly informed of the charges against them. Detainees must be brought before an examining magistrate within 4 days. The magistrate subsequently checks the validity of continued detention every 30 days depending on progress in the preliminary investigation. The authorities respected these rights in practice. If the prosecutor believes an investigation is necessary, he must request a preliminary judicial inquiry from the investigative judge, who then assumes responsibility over the investigation. Defense attorneys have the right to be present during any questioning. There is no provision for bail.

There were no reports of political detainees.

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

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The supreme court acts as the highest appellate court and ensures the uniform interpretation of the law.

Trial Procedures.—Trials are public, but the judicial system does not provide for jury trials. The law requires that defendants be informed fully at every stage of criminal proceedings. In criminal trials, the law provides the right to prompt access to counsel (virtually free for low-income persons), for a presumption of innocence, and to appeal. The government respected these rights in practice.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a

functioning democratic political system combined to ensure freedom of speech and of the press.

In December an appellate court cited the importance of safeguarding the right to freedom of speech in overruling a lower court's decision to fine a person who called a Rotterdam local council member "just about the biggest neo-Nazi in Dutch politics." The decision came only a few weeks after a court prohibited authorities from removing banners accusing Immigration Minister Rita Verdonk of complicity in the deaths of 11 people in a fire at a detention center in Schiphol airport (see section 1.c.).

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

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. The constitution states, "the law may set rules for the exercise of the right to religion or conviction outside buildings and closed places for the protection of health, in the interest of traffic and for the purpose of countering or preventing disorder." In practice, this article is rarely if ever invoked.

Societal Abuses and Discrimination.—Latent tensions between Muslim and non-Muslim communities were aggravated by the November 2004 murder of the controversial filmmaker Theo van Gogh—whose work had been criticized as anti-Islamic—by a Dutch-born member of a radical Islamic group. In late 2004 and during the early part of the year, the killing triggered multiple reported instances of violence against Islamic institutions and mosques, reprisals against churches, and clashes between Muslim and other youth, who identified themselves as "native Dutch." The Pew Foundation global attitudes project noted that 88 percent of citizens regarded Islam as violent; 76 percent were concerned about Islamic extremism; and 55 percent had an unfavorable view of Muslims.

The number of Muslims in the country increased significantly in the past two decades. By 2004, 945 thousand Muslims, constituting 5.8 percent of the total population, lived in the country, primarily in Amsterdam, Rotterdam, and The Hague.

Muslims faced criticism based on a number of popularly held perceptions, including they were poorly integrated into society and Muslim youth were disproportionately prone to criminal activity. They are also criticized for the conservative views of orthodox Muslims on topics such as women, homosexuals, and corporal punishment. A number of outspoken politicians, mainly on the right, openly argued that Islam itself is incompatible with the country's traditions and social values. The result was growing animosity between Muslim and non-Muslim communities, and more open and frequent discrimination against Muslims, particularly in social and work settings. Anecdotal evidence suggested that Muslims had a harder time finding employment in the private and public sectors, were more prone to be refused housing, and were more frequently banned from entering nightclubs and similar establishments than non-Muslim Dutch. Reports of Muslims encountering unprovoked verbal and even physical abuse increased. In response the government launched a comprehensive outreach campaign to counter anti-Muslim sentiments.

Anti-Semitism was a problem. According to government statistics, the country has a population of approximately 45 thousand Jews, less than a quarter of whom belong to active Jewish organizations. In June the Anti-Defamation League reported that one in five citizens embraced stereotypical prejudices about Jews. Moreover, certain groups opposed to Israeli policies in the occupied territories used seemingly anti-Semitic language and images to express political views. Explicitly anti-Semitic sentiments also prevailed among fringe Nationalist and neo-Nazi groups, as well as among some elements within the Muslim community.

Between January 2004 and May, the Center for Information and Documentation on Israel (CIDI) registered 326 anti-Semitic incidents, compared to 334 in 2003 and 359 in 2002. The number of serious incidents, such as physical violence, threats of violence, and desecration of cemeteries and synagogues, remained roughly the same. CIDI criticized the police and public prosecutors offices for failing to give sufficient priority to investigating and prosecuting anti-Semitic incidents.

CIDI also expressed concern about the rising number of anti-Semitic incidents at schools. Anti-Semitic views were especially prevalent among students of North African descent.

The government repeatedly condemned anti-Semitism and had a comprehensive action plan to combat discrimination. The Ministry of Education reminded schools about longstanding guidelines prescribing the teaching of different religions and ideologies in conjunction with combating discrimination and intolerance. The Ministry of Welfare subsidized a special program to teach children about the Second

World War and the persecution of Jewish persons. The government sought to promote dialogue and supported initiatives that aimed to create a better understanding between Jews and Muslims. The Anne Frank Foundation published a book, *Fifty Questions on Anti-Semitism*, primarily intended for teachers in dealing with Muslim students. Nonetheless, CIDI suggested that the government spend more time and money creating a safe environment at schools and teaching respect for the different cultural and social backgrounds of students. CIDI also called on the government to restrict the incitement of hate through the media, including cracking down on anti-Semitic and racist Internet sites.

The Jewish community has an umbrella group, the Central Jewish Consultation, which represents the community's interests in discussions with the government.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution; however, nongovernmental organizations (NGOs) alleged that the government returned asylum seekers, particularly those from Iraq, Somalia, and the Democratic Republic of the Congo (DRC), to countries where the security situation was sufficiently unstable that their safety could not be guaranteed. In December Immigration Minister Rita Verdonk acknowledged publicly that the Immigration and Naturalization Service had mistakenly reported the asylum status of some screened-out asylum seekers to DRC authorities. The government granted refugee status or asylum.

The government generally cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Individuals are not granted asylum if they come from a so-called safe country of origin or stayed for some time in a safe country of transit. The government does not grant asylum to economic migrants and illegal immigrants who cannot demonstrate a credible fear of persecution. Those who were denied asylum and chose to return voluntarily were provided economic assistance.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba.

Elections and Political Participation.—Parliamentary elections, last held in January 2003, were free and fair.

There were 60 women in the 150-seat second chamber of parliament, and there were 5 women in the 16-member cabinet. By court order, the government was prohibited from subsidizing the orthodox Protestant SGP party, which does not grant equal rights to women on theological grounds. Women also held positions in the parliaments and cabinets of the Netherlands Antilles and Aruba.

There were approximately 15 members of ethnic minorities—Turkish, Moroccan, Iranian, Surinamese, and Somali—in the 150-seat second chamber of parliament, although there were no ethnic minority political parties or movements specifically represented in parliament. There were no members of ethnic minorities in the 16-member cabinet.

Government Corruption and Transparency.—There were reports of corruption within the government. In August the justice ministry's scientific investigation and documentation center (WODC), reported that every year there were approximately 130 internal investigations into corruption within the public administration. Of these investigations, approximately 50 are handed over to the police or public prosecutor's office and resulted in several prosecutions and approximately five convictions a year. Although there were allegations in 2004 of corruption of customs and police officers at Schiphol airport, no indictments were subsequently issued.

The law provides for public access to government information, and generally respects that right to citizens and noncitizens. Disputes occasionally arise in court over the scope of the government's nondisclosure entitlement for public interest rea-

sons. For example, there were disputes as to whether classified internal memos should be released.

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

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

The government has a long tradition of hosting international legal tribunals, including the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia, and the headquarters of the International Criminal Tribunal for Rwanda.

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

The law prohibits discrimination on the basis of race, gender, disability, language, political preference, sexual orientation, and social status, and the government generally enforced these prohibitions. However, violence against women and children, trafficking in persons, and discrimination against ethnic minorities were problems.

Women.—Domestic violence was the most prevalent form of violence in society. According to a June justice ministry fact sheet, more than 40 percent of the population has experienced domestic violence at some point in their lives. Of these, 10 percent reportedly experienced some form of physical, sexual, or mental violence on a daily or weekly basis. According to police records, some 80 percent of victims were women. The police estimated that only approximately 12 percent of cases were actually reported to the police. Spousal abuse carries a penalty one-third greater than ordinary battery. In 2004 approximately 800 men were prosecuted for beating their partners.

In January the TransAct organization became the national office for providing support to victims of domestic violence and those investigating and prosecuting such crimes. TransAct organized meetings of the national network on domestic violence, set up databases, and gathered examples of best model practices. The government subsidized shelters for battered women.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. Approximately 15 thousand rapes and sexual assaults were committed each year. The penalty for rape is imprisonment not exceeding 15 years and/or a fine. The maximum sentence for marital rape is eight years' imprisonment. Some rape victims may be given protection in government-subsidized shelters for battered women. Police officially registered 1,774 rape cases in 2004, an increase from 1,665 in 2003.

Female genital mutilation (FGM) is prohibited; however, a March report by the special FGM committee estimated that FGM was performed in the country on at least 50 girls each year.

Prostitution is legal for persons who are at least 18 years of age and engage in the work voluntarily; however, the law penalizes forms of organized prostitution involving force, violence, misuse of power, and deception. The government has strict licensing standards for brothels to ensure decent working conditions and health care for prostitutes, while prohibiting the employment of minors and illegal immigrants and making prostitution less susceptible to criminal organizations. There were approximately 25 thousand prostitutes; roughly two-thirds were from non-European Union countries.

Trafficking of women for sexual exploitation was a problem (see section 5, Trafficking).

The law requires employers to take measures to protect workers from sexual harassment; however, a 2003 study showed that 5.3 percent of female workers were sexually intimidated in the workplace. The government funded an ongoing public awareness campaign and has taken measures to counter harassment among civil servants.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system.

Although roughly 54 percent of women worked, nearly two-thirds did so part-time. Traditional cultural factors and an inadequate number of daycare facilities discouraged many women from working full time. Female and male unemployment were, respectively, 7.3 and 5.3 percent. The social affairs ministry reported that women often were underemployed, had less chance of promotion, and held lower level positions than men, primarily because of their part-time work status. According to the Ministry of Social Affairs and Employment, women working in the private sector on

average earned 23 percent less than men, although, when adjusted for level of experience and expertise required for the jobs, this differential fell to 7 percent.

The government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women. An equal treatment commission investigated complaints of discrimination against women.

Children.—The government worked to ensure the well being of children through numerous well-funded health, education, and public information programs.

Education was free and compulsory for children between the ages of 4 and 16, although schools could ask for a voluntary contribution from parents. Vocational education was also free, except for the cost of books and materials. Approximately 10 percent of students left secondary school before attaining a certificate. Government-licensed Islamic schools were obliged to follow the same curriculum requirements as other schools. One in 10 immigrant children left school without obtaining a diploma.

The government subsidizes health care, and boys and girls have equal access.

Child abuse was a problem. In a February report the special child abuse commissioner for youth policy concluded that as many as 100 thousand children were victims of abuse. Approximately 50 to 80 children are believed to die each year from some form of abuse. More than 30 thousand formal reports of child abuse were registered in 2004, 24 percent higher than in 2002. Due to the high volume of reports, there were long waiting lists for assistance, but the government reduced these waiting lists by increasing funding to the Council for the Protection of Children.

The law provides for the prosecution of sexual abusers of children between the ages of 12 and 16 without requiring that affected parties file a complaint. Under the law, citizens and noncitizen permanent residents who abused minor children abroad could be tried and convicted in the country, even if the offense is not a crime in the country in which it occurred. In May the Arnhem court convicted five men, accused of having organized trips to Tunisia for sex with minors, of participating in a criminal organization, and committing crimes against morals. The men received prison sentences from 1 to 3.5 years.

The maximum penalty for the distribution of child pornography is six years' imprisonment, and the government continued its campaign against child pornography on the Internet. The child pornography reporting center and the national police reported 6,322 cases of Internet child pornography in 2004, compared with six thousand reports in 2003. In 2004 more than 60 child pornography cases were prosecuted, compared with 100 in 2003.

Trafficking of girls for sexual exploitation was a problem (see section 5, Trafficking).

Trafficking in Persons.—The law criminalizes trafficking in persons; however, trafficking in persons was a problem.

On January 1 legislation came into effect, which increases the maximum sentence for trafficking in persons to 12 years' imprisonment in case of serious physical injury and 15 years' imprisonment in case of death. The law also expands the definition of trafficking in persons to include labor trafficking. The law prohibits the employment of prostitutes under the age of 18.

Prosecutors opened approximately 220 trafficking cases in 2004, compared with 187 cases in 2003. In January the Lelystad court convicted two individuals of having kidnapped, raped, abused, and trafficked three African asylum seekers and sentenced one suspect to 14 years' and the other to 10 years' imprisonment. In April police arrested 18 men suspected of having trafficked Russian and Bulgarian girls. In December the Almelo court sentenced two Moroccan "lover boys" and two accomplices to prison for two to approximately six years for having lured two young women into prostitution. The court ordered the procurers to pay each victim \$6 thousand (5 thousand euros) in damages.

During the year, the following 2004 pending trafficking cases were resolved. The leader of a group of five persons arrested in May 2004 for having forced African women to work as prostitutes and act in pornographic videos was sentenced to 14 years' imprisonment. Each of the four accomplices received sentences of between 5- and 10-years' imprisonment. Three persons charged in June 2004 with trafficking East European women were each punished with two to three years' imprisonment. The Hague court sentenced six person arrested in July 2004 for sex trafficking to imprisonment for terms ranging from one to six years. The Alkmaar Court verdict for the owner of an escort service arrested in July 2004 on suspicion of having exploited minors was still pending at year's end.

The government, in particular the ministries of justice, internal affairs, foreign affairs, welfare and health, and social affairs, actively combated trafficking in persons.

Local police forces established special units to deal with trafficking, and a 500-person national police team focused exclusively on trafficking investigations and provided specialized training to police in the identification and protection of possible trafficking victims. The national rapporteur on trafficking in persons, an independent, publicly funded agency, reported annually to the government on the nature, extent, and mechanisms of trafficking as well as on the effects of national policies. Authorities participated in international investigations and cooperated closely with other governments on trafficking.

The country was a destination and transit point for trafficked persons. NGOs and the police estimated that the number of women and girls trafficked for the purpose of sexual exploitation ranged from 1,000 to 3,600. The Foundation against Trafficking in Women (STV) registered 405 victims in 2004, of whom 126 came from Central and Eastern Europe; lesser numbers came from African countries, primarily Nigeria, Cameroon, and Morocco, and from South America. Of the 405 victims registered in 2004, approximately 26 were under age 18. In the first eight months of the year, STV registered 252 trafficking victims.

Trafficking within the country was also a problem. Of the 405 trafficking victims registered in 2004, 51 were living in the country at the time they were seduced into prostitution by so-called lover boys, primarily young Moroccan or Turkish men and boys. The victims were young, mostly immigrant women. In January the government set up the national expertise center for youth prostitution to collect figures, background information, and the best practices in fighting youth prostitution and lover boys. Various organizations and local governments initiated specific assistance and prevention programs for potential victims of "lover boys."

Most traffickers used threats of violence to the victim, or to the victim's family, to control their victims. Underage girls and young women of Moroccan and Turkish descent (mostly lover boy victims), underage asylum seekers, women with a dependent residence status (pseudo marriage), and women recruited in Africa were most vulnerable to becoming victims of trafficking.

The government and NGOs believe that trafficking for labor occurs, but had not compiled statistics on this phenomenon at year's end.

Under the law, illegal residents, who may have been victims of trafficking, may not be deported before investigations are completed. Victims are allowed three months to consider pressing charges, and victims who did so were allowed to stay in the country and to work until the judicial process was completed.

The government subsidized NGOs working with trafficking victims, including the STV, an independent organization offering social support, legal advice, medical aid, shelters, and counseling to victims.

The justice ministry co-financed the La Strada program, aimed at preventing trafficking in women in Central and East European countries. Other prevention initiatives included the travel agents' association distribution of warnings about trafficking and sex with minors and public awareness campaigns aimed at tourists and travel agencies meant to deter sexual exploitation of children.

Persons with Disabilities.—The law provides for the protection of persons with disabilities from discrimination in employment, education, access to health care, or in the provision of other state services, and there were no reports that such discrimination occurred. The law requires access to public buildings for persons with disabilities, but public buildings and public transport often were not easily accessible in practice.

The Equal Treatment Committee received a few dozen complaints from persons with disabilities most of which were related to labor issues.

National/Racial/Ethnic Minorities.—Approximately 20 percent of the population (3 million persons) is of foreign origin, including 1.7 million who belong to ethnic minority groups, principally Turkish, Moroccan, Surinamese, and Antillean.

Incidents of physical assault against minorities were rare, but members of minority groups were subjected to verbal abuse and intimidation and were denied access to public venues, such as discotheques. The Muslim community, including 365 thousand of Turkish descent and 315 thousand of Moroccan descent, faced increased discrimination (see section 2.c.).

Members of immigrant groups faced discrimination in housing and employment. The minority unemployment rate remained roughly three times that of the ethnic Dutch workforce.

With the proliferation of Internet Web sites, the dissemination of racial and discriminatory material increased. The Discrimination on the Internet Registration Center registered a sharp increase in reported incidents, from approximately 1,200 in 2003 to more than 1,800 in 2004. Increases occurred in all categories, particularly discrimination against Moroccans, Turks, Islam, native Dutch, and homosexuals.

The government pursued an active campaign to increase public awareness of racism and discrimination. Civil and criminal courts, the equal opportunities committee, the national ombudsman, the commercial code council, as well as the council for journalism, the European Court of Justice, and the European Court of Human Rights addressed complaints about racism and discrimination. The majority of criminal cases concerned racist defamation. Civil lawsuits often concern discrimination in the supply of services, such as supplemental conditions for non-ethnic Dutch persons to obtain a mobile phone or to gain access to clubs. The equal opportunities committee primarily addresses incidents of discrimination in the labor market, including discrimination on the work floor, unequal pay, termination of labor contracts, and preferential treatment of ethnic Dutch employees.

The prosecutor's office also has established a national expertise center on discrimination that collects information, maintains a database on cases, and provides courses to prosecutors handling cases of discrimination. In 2003 the government-sponsored national association of anti-discrimination bureaus registered approximately 36 hundred complaints, two-thirds of which were based on racial discrimination.

Other Societal Abuses and Discrimination.—Homosexuals faced increasing harassment in the larger cities, primarily from pockets of Muslim youth. Harassment consisted largely of verbal epithets and abuse.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercised this right in practice. Approximately 25 percent of the work force was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to organize, and specific laws provide for the right to collective bargaining; workers exercised this right in practice. Approximately 86 percent of workers were covered by collective bargaining agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes, except for some civil servants, who have other institutionalized means of protection and redress. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16 years. Those in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well-being. The tripartite labor commission, which monitored hiring practices and conducts inspections, enforced these laws effectively.

Holiday work and after school jobs are subject to very strict rules set by law. The social ministry's labor inspection office oversaw observance of the rules. In 2004 labor inspections found that 28 percent of companies violated the regulations applying to holiday work, including by employing children under the age of 13.

Trafficking of children occurred (see section 5).

e. Acceptable Conditions of Work.—The minimum wage for adults of approximately \$1,517 (1,264 euros) per month provided a decent standard of living for a worker and family. The Labor Inspectorate effectively enforced the minimum wage.

The law sets a 40-hour workweek. The average workweek was 30.6 hours (38.7 hours for full-time and 20 hours for part-time workers). Anyone working more than 4.5 hours per day was entitled to a 30-minute rest period. Overtime is regulated. There are no exceptions for legal foreign workers. The Labor Inspectorate effectively enforced the labor laws.

Working conditions, including comprehensive occupational safety and health standards set by law, were monitored actively and enforced effectively by the tripartite labor commission. The Ministry of Labor and Social Affairs also monitored standards through its labor inspectorate. Workers could remove themselves from dangerous work conditions without jeopardizing their continued employment, and workers exercised this right in practice.

Members of immigrant groups faced discrimination in employment (see section 5).

NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as head of state. With a population of approximately 4.6 million, the country is governed by a prime minister, a cabinet, and the 169-seat *Storting* (parliament) that is elected every 4 years and cannot be dissolved. Free and fair elections to the modified, multiparty unicameral parliament were held in September. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the rights of its citizens, and the law and the independent judiciary provided effective means of addressing isolated instances of abuse. The following human rights problems were reported:

- violence against women
- trafficking in persons

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers; however, no such visits took place during the year.

Juveniles aged 15 to 18 were held separately from the general prison population. Social welfare authorities generally cared for those under the age of 15.

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 have primary responsibility for internal security; however, the police may call on the armed forces for assistance in times of crisis, such as internal disorder or natural catastrophe. In such circumstances, the armed forces are under police authority. The Ministry of Justice and the Police oversees the police forces.

The police force was effective, and corruption was not generally a problem. Adequate measures were in place to investigate police abuses. Reports of corruption within the police force were investigated by the independent police complaint commission.

Arrest and Detention.—The law requires warrants for arrests, and police generally arrested a person based on a warrant authorized by a prosecutor. Police must file charges against detained persons within four hours, and detainees were promptly informed of the charges against them. An arrested suspect must be arraigned within 24 hours, at which time the arraigning judge determines whether the accused should be held in custody or released pending trial. This legal provision was upheld in practice. Arrested persons were allowed prompt access to a lawyer of their choosing or, if they could not afford one, to an attorney appointed by the government. Arrested persons were generally allowed access to family members.

There was no bail system or similar mechanism. Defendants accused of minor crimes are released pending trial. Convicted offenders are put on a waiting list to serve their jail sentence. Defendants accused of serious or violent crimes remain in jail until trial.

There were no reports of political detainees.

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

The court system consists of the Supreme Court, the appeals selection committee of the Supreme Court, six appellate courts, and a number of district courts which hear both civil and criminal cases. District court rulings may be appealed progressively by either party, but the appeals selection committee refers only cases of great importance to the Supreme Court. There are a few specialized courts, including the labor court and the land ownership severance courts.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, but juries are only used in criminal cases heard by the court of appeals. Charges are stated clearly and formally, and defendants enjoy a pre-

sumption of innocence. All defendants have the right to be present, to have counsel (at public expense if needed), to confront and question witnesses, to present evidence and witnesses, and to appeal. Defendants and their attorneys have access to government-held evidence relevant to their cases. The law extends the above rights to all citizens. Military personnel enjoy the same rights as other citizens but are tried by military courts.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the government. The constitution requires that the king and at least one-half of the cabinet belong to this church. Other denominations operated freely.

A religious community is required to register with the government only if it desires financial support, which is provided by the government to all registered denominations on a proportional basis in accordance with membership.

The law provides that “religious knowledge and education in ethics” be taught as a subject in public schools. The course covers world religions and philosophy and promotes tolerance and respect for all religious beliefs; however, the course devotes the most time to Christianity. The course is mandatory, and there are no exceptions for children of other faiths; students may be exempted from participating in or performing specific religious acts such as church services or prayer, but they may not forgo instruction in the subject as a whole. Both Muslim communities and organizations for atheists have contested the legality of forced religious teaching. They lodged formal complaints in 2002 with the UN Human Rights Committee (UNHRC) and the European Court of Human Rights. Following the November 2004 UNHRC decision that the law violated the International Covenant on Civil and Political Rights, the government changed the law to emphasize that the course was intended to educate rather than proselytize. During the year the government implemented a new curriculum for the course and loosened the rules for exemption.

The law permits private or religious schools and day care centers to ask persons seeking employment whether they will respect and teach the denomination’s beliefs and principles. Employers may reject applicants on the basis of their responses, but no statistics were available on how frequently this occurred.

Societal Abuses and Discrimination.—The Jewish population was relatively small. There were no reports of anti-Semitic incidents during the year.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement, Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum, and accepted refugees for resettlement.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, and provided it to more than three thousand persons in 2004.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seek-

ers. The government contracted with nongovernmental organizations (NGOs) to provide information to asylum seekers in their native languages, and to educate them about the asylum application process. Several NGOs offered additional legal counsel to persons whose initial applications were denied. To better communicate with the diverse group of asylum seekers, reception centers employed speakers of a wide range of languages.

The government required asylum seekers to make their claims in “safe countries” through which they traveled. The government used a “fast track” system to process asylum claims from nationals of “safe countries” within 48 hours of application. Persons were not excluded from consideration for asylum because they were from a “safe 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.—Free and fair parliamentary elections held on September 12 resulted in the formation of a coalition government of the Labor, Socialist Left, and Center Left parties. Labor Party leader Jens Stoltenberg was named prime minister following multiparty negotiations.

There were 63 women in the 169-seat parliament and 6 women among the 19 Supreme Court justices. Women headed 9 of the 19 government ministries. There was 1 member of a minority in parliament and no minority ministers or Supreme Court justices.

Government Corruption and Transparency.—There were no reports of government corruption during the year. The law provides for public access to government information, and the government provided this access in practice.

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

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

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced this prohibition in practice, although violence against women and trafficking in persons were problems.

Women.—Violence against women, including spousal abuse, was a problem.

The law provides for higher penalties for violence in cases of domestic abuse and severe acts, and the government enforced the law in practice. During the first half of the year, police registered 1,956 cases of domestic violence. The penalty for domestic violence is generally one to six years in prison, with an increased prison term in more severe cases.

The law criminalizes rape, including spousal rape, and the government enforced the law. The penalty for rape is generally 1 to 10 years in prison depending on the severity of the assault, the age of the victim, and the circumstances under which the rape occurred. Although the number of rapes reported to the police has risen in recent years with 689 reported rapes in 2004, the country has experienced a decrease in the number of rape convictions, with only 25 convictions in 2004, the most recent year for which statistics were available. In October the chief prosecutor’s office convened a task force to examine this trend.

The government and the police have instituted special programs to prevent rape and domestic violence and to counsel victims. In June 2004 the government developed an action plan to address the root causes of domestic violence and to establish programs to prevent it. As a result of the plan, a domestic violence coordinator position was created in each of the country’s 27 police districts to provide victims with more responsive and knowledgeable assistance. Coordinators aided domestic violence victims in identifying the various services and institutions available to assist them. Public and private organizations ran 50 government-funded shelters and managed 5 24-hour crisis telephones. The shelters provided victims support and counseling, and helped victims access social services, doctors, lawyers, and housing authorities. Each of the country’s 19 counties had several shelters. In 2004 the country’s shelters registered approximately 47,550 overnight stays by 1,970 women.

Prostitution is legal, but organized prostitution and pimping are illegal. NGOs and the government estimated that 2,500 to 3,000 persons sell sexual services. A

few of these persons were men, and NGOs reported that a few persons selling sexual services appeared to be under the age of 18, although they generally claimed to be older. Foreign women comprised at least 60 percent of the country's prostitutes.

Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

An amendment to the working environment act provides that "employees shall not be subjected to harassment or other unseemly behavior," and the government effectively enforced this provision in practice. Employers that violate these provisions, including the harassment clause, are subject to fines or prison sentences of up to two years, depending on the seriousness of the offense.

Women have the same legal status as men, and enjoy identical rights under family and property laws and in the judicial system. The office of the gender equality ombudsman was generally effective in processing and investigating complaints of sexual discrimination. In 2004 the office received 517 such complaints and 471 telephone inquiries.

The law protects the rights of women and provides that women and men engaged in the same activity shall have equal wages for work of equal value. According to the office of the gender equality ombudsman, which monitors enforcement of the law, women generally received 10 to 15 percent less in pay and benefits than men for equal work.

In 2003 the parliament passed a resolution mandating that 40 percent of publicly listed companies' directorships be held by women by mid-2005. However, companies were still far from this goal with approximately 16 percent of all directorships held by women at year's end. The government did not intend to penalize non-complying companies by removing them from the Oslo stock exchange until 2007.

Children.—The government was strongly committed to children's rights and welfare; it amply funded systems of education and medical care.

The government provides free education for children through the postsecondary level. Education is compulsory for 10 years, or through the tenth grade; most children stay in school at least until the age of 18. The UN Children's Fund (UNICEF) reported a school attendance rate of 100 percent in 2004.

The government provides extensive, free medical care for children.

In 2004 child care services intervened in 536 cases of child abuse. An independent children's ombudsman office, within the ministry of children and families, is responsible for the protection of children under the law. In July 2004 the government established the directorate for children, youth, and family affairs to provide appropriate, high-quality services for children, young persons, and families in need of assistance and support. With 5 regional offices and 26 professional teams, the directorate is the government's principal agency for the welfare and protection of children and families. During the year the directorate's primary activities included providing family counseling, managing foster homes and child welfare institutions, and administering funds to NGOs focusing on children.

Trafficking in Persons.—Although the law prohibits trafficking in persons, the country was a destination and transit country for trafficking victims, most of whom were from Eastern Europe, Russia, and the Baltic countries. The maximum sentence for trafficking in persons is 5 years, with a maximum sentence of 10 years for "aggravated" cases, which are determined by several factors, including the victim's age, the use of violence or coercion, and any proceeds derived from exploitation. Traffickers can also be charged with violating pimping, immigration, and slavery prohibitions. Victims may sue their traffickers for compensation without impediment.

The Ministry of Justice and the Police coordinates and implements antitrafficking measures.

In February the government prosecuted the country's most significant trafficking case to date, convicting eight men of various crimes related to the trafficking of a Russian woman and a Lithuanian woman for sexual exploitation. The group of men had kept the two women captive in an Oslo apartment, subjected them to rape and assault, and forced them to work as prostitutes. Three of the eight persons were found guilty in April of organized pimping rather than trafficking; the court refrained from sentencing them under the trafficking laws since the victims had known that they would be working as prostitutes. The sentences handed down by the court ranged from 4 months to 11 years in prison, and the convicted men were also required to pay the victims \$170 thousand (NOK 1.1 million) in compensation. In September the court rejected the appeal of two of the defendants who initially had been charged with contributing to trafficking in persons. The court found the two guilty of trafficking, sentencing one of them to five years in prison and the other

to three years. At year's end 6 police districts were investigating 25 cases of trafficking.

The government cooperated with foreign governments, Interpol, and Europol in the investigation and prosecution of trafficking cases. The country's collaboration with other Scandinavian countries was particularly strong.

Police identified a number of possible victims trafficked by organized criminals for the purpose of sexual exploitation. Most of these suspected victims were women from Russia, Albania, Italy, Eastern Europe, and the Baltic states. Suspected victims were often reluctant to press charges, making it difficult for police to identify and assist them and to prosecute traffickers.

Government officials believed that organized crime groups were responsible for most trafficking. Traffickers used threats, violence, rape, and confinement to enforce victims' compliance. Government authorities suspected they may also confiscate travel documents and subject victims to debt bondage.

Although trafficking victims may be prosecuted for violating immigration laws, no such prosecutions occurred during the year. Deportation decisions concerning victims of trafficking may be suspended for a 45-day reflection period to provide time for practical assistance and counseling to the individuals concerned.

Government officials sought to improve public awareness of trafficking by raising the issue in speeches and other forums. NGOs conducted outreach programs to provide trafficking victims with information on their legal rights and available health and other services. Foreign victims of trafficking have the same legal rights as other foreigners to apply for residency, asylum, welfare, social aid, and emergency health care.

In January the government launched a formal assistance program for trafficking victims that featured support centers, shelters, and a 24-hour hot line. In the same month, the government opened a national network of crisis centers where trafficking victims could seek assistance finding shelter, work, and education.

In June the government launched a second action plan against trafficking in persons. Several of the plan's goals were implemented during the year, including conducting research on trafficking and improving cooperation between authorities and NGOs. Police working on trafficking issues are required to attend a two-day training seminar.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the government generally enforced this provision in practice.

The section for disabled persons in the Ministry of Labor and Social Affairs was responsible for protecting the rights of persons with disabilities, and the office coordinated relevant national policy and managed the social benefit system for disabled persons. In January the government increased grants for the disabled by \$14 million (NOK 90.6 million) and provided additional support to individual agencies to provide more enterprises, better transportation, better building access, and increased access to parks.

Indigenous People.—The rights of the indigenous Sami were protected by the government, which provided Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for Sami-oriented newspapers and books. A deputy minister in the ministry of local government and regional affairs deals specifically with Sami issues.

In addition to participating freely in the national political process, the Sami elect their own constituent assembly, the *Sameting*. The law establishing the *Sameting* stipulates that this 39-seat consultative group meet regularly to deal with "all matters, which in [its] opinion are of special importance to the Sami people." In practice the *Sameting* has been most interested in protecting the group's language and culture and in influencing decisions on resources and lands where Sami are a majority. The law requires that a report on the activity of the *Sameting* be submitted annually to parliament, and that a report on the main principles of Sami policy be presented to parliament every four years. The 2004 report called for further strengthening the rights of indigenous people on both the international and national levels and asserted that the Sami do not have enough control over the management of natural resources in the northern part of the country known as Finnmark.

Following negotiations with the Sami, the government passed legislation in June resolving many of the resource management issues of concern to the group. Several NGOs also worked to promote Sami rights.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and they ex-

exercised these rights in practice. Approximately 55 percent of the workforce was unionized.

b. The Right to Organize and Bargain Collectively.—All workers, including government employees and military personnel, have the right to organize and bargain collectively, and they exercised this right in practice.

The law provides for the right to strike, and workers exercised this right in practice; however, the government may, with the approval of parliament, compel compulsory arbitration under certain circumstances. During the year the government invoked compulsory arbitration once in response to an elevator worker strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government implemented laws and policies to protect children from exploitation in the workplace. Children 13 to 18 years of age may be employed part-time in light work that will not affect adversely their health, development, or schooling. Minimum age rules were observed in practice and enforced by the directorate of labor inspections. There were no reports of child labor during the year.

e. Acceptable Conditions of Work.—There is no legislated or specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the local government. During the year three-party negotiations led to wage increases of approximately 3.5 percent. The average daily wage provided a decent standard of living for a worker and family. Approximately 200 thousand people lived below the country's poverty line.

The law limits the normal workweek to 37.5 hours and provides for 25 working days of paid leave per year (31 days for those over age 60). The law mandates a 28-hour rest period on weekends and holidays. The law provides for premium pay for overtime and prohibits excessive compulsory overtime.

The law provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the directorate of labor inspections (DLI) in consultation with nongovernmental experts. Under the law environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health, but no statistics were available on whether they exercised this right in practice. The DLI effectively monitored compliance with labor legislation and standards.

Although foreign workers were provided the same legal protections, many children of immigrants complained that they were excluded from mainstream society and that they had fewer and inferior job opportunities than did ethnic majority citizens.

POLAND

Poland, with a population of 39 million, is a multiparty democracy with a bicameral parliament. Executive power is shared by the prime minister, the council of ministers, and, to a lesser extent, the president. On September 25, free and fair parliamentary elections were held. Lech Kaczynski was elected president in a free and fair election on October 23. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- poor prison conditions
- occasional lengthy pretrial detention
- a poorly functioning judicial system
- restrictions on freedom of speech and of the press
- discrimination against women in the labor market
- the sexual exploitations of children
- trafficking in women and children
- societal discrimination and violence against ethnic minorities
- violations of workers' rights and antiunion discrimination

RESPECT FOR HUMAN RIGHTS

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

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

In May 2004 police officers in Lodz accidentally used live ammunition rather than gum bullets to pacify crowds at a student festival, and two people were killed. As a result of this incident and the ensuing investigation, 12 police officers faced disciplinary action, including the Lodz regional police commander, city commander, and deputy city commander, who lost their jobs. The investigation by local prosecutors of two police officers believed to have knowingly distributed the live ammunition was ongoing at year's end. In September 2004 police paid the family of 1 victim approximately \$80 thousand (240 thousand PLN), while negotiations with the second victim's family were continuing at year's end.

In February the appeals court in Warsaw overturned the two-year suspended sentence handed down by the district court in May 2004 to former interior minister Czeslaw Kiszczak for his role in the 1981 killings at the Wujek mine. In August the district court determined that the case was a "Communist-era crime" that should either be heard by the institute for national remembrance (IPN) or be dismissed on the basis of an expired statute of limitations. The prosecutor appealed that decision, and the appeal court ruled in September that the district court must hear the case. In October the Katowice district court again began hearing testimony, including that of General Wojciech Jaruzelski, who testified that Kiszczak had not authorized the use of firearms at the Wujek mine. The trial had not concluded 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.

Observers accused police of using excessive force against a June 26 gathering of approximately eight thousand miners who were peacefully protesting proposed changes in the retirement law being considered by the parliament. Observers reported that police used tear gas, batons, and water cannons against the protesters. Seven police officers and approximately 40 miners were injured in the confrontation.

Prison and Detention Center Conditions.—Prison conditions remained generally poor. Overcrowding and insufficiency of medical treatment were the chief problems.

Overcrowding persisted in both prisons and detention centers. The Helsinki Foundation reported that approximately 83 thousand persons were held in prisons, despite an estimated capacity of 50 thousand. Overcrowding and other issues led to several riots in 2004. In May 2004 prison inmates in Wroclaw and Poznan staged a three-day hunger strike to protest crowded cells and demand better food and medical care. The protest ended peacefully, but with no resolution of the grievances.

In December the ombudsman sent a motion to the constitutional tribunal to review the regulation of the ministry of justice which allows for overcrowding in prisons and detention facilities. No ruling had been issued at year's end.

During the year prisoners submitted 15,065 complaints about the living conditions in penitentiary institutions. During the year there were 125 complaints of beatings or improper use of force by prison officials. Authorities took disciplinary action against 186 prison guards and supervisors when complaints were found to be justified.

Women, who constituted 2 percent of the prison population, were held in 28 detention facilities, 8 of which were only for women. In the remaining 20 facilities, inmates were segregated by gender.

Juveniles were generally separated from adults; however, in accordance with the law, at times juveniles and adults were housed together. Convicted minors (defined as 15- to 17-year-olds) were segregated from the adult prison population. Juveniles (17- to 21-year-olds) accused of serious crimes were usually sent to pretrial detention. According to the prison service central administration, there were no reported cases of an adult abusing a juvenile in mixed adult-juvenile detention.

Facilities that housed convicted prisoners often held pretrial detainees in separate areas. Conditions for pretrial detainees were occasionally worse than those for convicted prisoners.

The government permitted prison visits by independent human rights organizations, and there were visits by the UNHCR and the Helsinki Foundation 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 police force is a national law enforcement body with regional and municipal units overseen by the minister of interior and administration. Low-level corruption within the police force was considered widespread, and there was also a public perception that police were unduly influenced by political pressures. Instances of corruption and serious criminal misconduct were investigated by the national police's office of internal affairs. The personnel division handled minor disciplinary offenses.

In January the former deputy minister of internal affairs and two parliamentary officials were sentenced to prison following their December 2004 convictions for obstruction of justice. Zbigniew Sobotka, the former deputy minister, was sentenced to 3.5 years in jail; Henryk Dlugosz and Andrzej Jagiello, both former parliamentary officials for the Democratic Left Alliance (SLD), were sentenced to 1.5- and 2-year terms, respectively. In his last days in office, the president reduced Sobotka's sentence to one year. Dlugosz and Jagiello's appeals were heard before an appeals court in Krakow in November, but a verdict was not issued by year's end.

In 2003 national police commander Antoni Kowalczyk resigned after it was revealed that he had changed his testimony during the investigation into the "Starachowice affair," a corruption scandal in which senior officials alerted suspects to an impending raid by the national police's central bureau of investigation. In October 2004 the prosecutor's office in Kielce charged Kowalczyk with perjury and failing to report the improper release of classified information. Kowalczyk's trial concluded in mid-December, and no verdict had been issued by year's end.

The government continued to implement programs to combat corruption in the police force. Workshops and seminars provided anticorruption training to employees and officers. In November the new commander for national police, Marek Bienkowski, announced a new anticorruption program that included higher salaries, better recruitment techniques, disclosure of individual financial holdings, and more severe penalties for offenses. At year's end the plan was being considered by the council of ministers.

Arrest and Detention.—The law provides for suspects to be apprehended openly with warrants based on sufficient evidence and issued by the courts. The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. Detainees must be promptly informed of the charges against them, and the government provides free counsel to the indigent. Defendants and detainees may consult with attorneys during their detention and before and during court proceedings. There was a functioning bail system, and most detainees were released on bail pending trial. Detainees have the right to prompt access to a lawyer, but family members must apply for permission to visit from the prosecutor.

Detainees may be held in pretrial detention for up to three months and may challenge the legality of an arrest by appeal to the district court. The court may extend the pretrial detention period every 6 to 12 months, but total detention time before the court issues a first sentence may not exceed 2 years. However, in certain circumstances, such as very complex cases, the court may petition the Supreme Court for an extension past the two-year limit. Trials were occasionally delayed by inefficiency.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the judiciary remained inefficient and lacked resources and public confidence.

There is a four-tiered court structure. The courts consist of regional, provincial, and appellate divisions, as well as a supreme court. These tiers are subdivided further into five domains of jurisdiction: military, civil, criminal, labor, and family. Regional courts try original cases, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while having original jurisdiction for the most serious offenses. Appellate courts handle appeals tried at the provincial level; the Supreme Court handles appeals of lower court decisions and ensures that the law is applied consistently throughout the country.

The court system remained cumbersome, poorly administered, inadequately staffed, and underfunded. The courts had numerous inefficiencies—most notably, more criminal judges than prosecutors in many districts—that contributed to a lack of public confidence. Court decisions frequently were not implemented. A continuing backlog of cases and the high cost of legal action deterred many citizens from using the justice system.

Trial Procedures.—Cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. Defendants are allowed to

consult an attorney, who is provided at public expense if necessary. Defendants must be present during trial, may confront and question witnesses in their defense, and may access government-held evidence relevant to their case. Defendants may present evidence and witnesses on their own behalf. Prosecutors can grant witnesses anonymity if they express fear of retribution from the defendant. This provision, designed to help combat organized crime, impaired defendants' right to confront their accusers. Trials are usually public; however, the courts reserve the right to close a trial to the public in some circumstances, including divorce cases, cases in which state secrets may be disclosed, or cases whose content might offend public morality (see section 1.f.). The courts rarely invoked this right.

Once a verdict is rendered, the defendant has seven days to request a written statement of the basis for the judgment. The court then has seven days to produce a written decision. A defendant has the right to appeal within 14 days of the written decision on the basis of new evidence or procedural irregularities. A two-level appeal process is available in most civil and criminal matters.

The law provides for juries, usually composed of two or three individuals appointed by local officials, who assist judges in making decisions.

Several individuals lodged complaints or filed cases against the government in the European Court of Human Rights (ECHR) because of trial delays and a perceived lack of due process.

Military courts, which are supervised by the minister of justice and the prosecutor general, have jurisdiction over crimes committed by members of the military while on duty. Defendants enjoy the same rights as civilians. Civilian employees of the ministry of defense are not tried by the military courts.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—While there is a law permitting restitution for communal property seized during the Communist and Nazi eras (see section 2.c.), the government failed to vote on a restitution bill for private claims that was introduced into parliament in July. The treasury estimated that there were 56 thousand claims outstanding for property valued at approximately \$16.7 billion (50 billion PLN). Despite the lack of a national law, some property nationalized illegally has been restored and compensation provided, amounting to approximately \$183 million (550 million PLN) for 500 property claims over the past 10 years.

In July the parliament passed a law concerning properties lost as a result of border changes after World War II. The legislation refers to formerly Polish land east of the Bug River that now falls inside the borders of Lithuania, Belarus, and Ukraine. The government estimated that the law could affect approximately 80 thousand claimants. However, no compensations were made during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government did not always respect these prohibitions in practice.

There was no independent judicial review of surveillance activities, nor was there any control over the use of the information thus derived. A number of agencies had access to wiretap information, and the law allows electronic surveillance for crime prevention and investigations.

Under the "lustration" law, designed to expose officials who collaborated with the Communist-era secret police, persons caught lying about their past may be prohibited from holding public office for 10 years.

In December 2004 former parliament speaker Josef Oleksy announced his decision to resign after a Warsaw court found him guilty of failing to reveal the extent of his communist-era activities. In October the court banned Oleksy from holding public office for 10 years as punishment for his concealment of secret collaboration with the wartime military intelligence services.

Many lustration cases were closed to the public because they involved classified documents (see section 1.e.). Critics continued to voice concern that the vetting procedure was unfair because secret police records were subject to loss or tampering.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, there were a few restrictions in law and practice. The law states that an individual who "publicly insults or humiliates a constitutional institution" of the country is subject to a fine or imprisonment of up to two years, and an individual who insults a public functionary is subject to a fine or imprisonment of up to one year. Offending the object or spirit of a place of worship through public speech is punishable by a fine or a two-year prison term.

During the year artist Dorota Nieznalska appealed her conviction for offending religious beliefs by placing a photograph of female genitals on a Christian cross. She

was sentenced by the Gdansk regional court in July 2003 to six months of public service. The appellate court's decision was pending at year's end.

The independent media were active and expressed a wide variety of views without restriction. The national radio and television broadcasting council (KRRiTV) has broad power to monitor and regulate programming on radio and television, allocate broadcasting frequencies and licenses, and apportion subscription revenues to public media. Council members are legally required to suspend their membership in political parties or public associations.

Private television, including satellite and cable services, was available across most of the country. Private television broadcasters operated on frequencies selected by the ministry of communications and auctioned by the KRRiTV. The four channels of the public Polish Television (TVP) were the most widely viewed, with a combined 40.5 percent market share, but TVP had strong competition from the private TVN and Polsat networks. Cable television and various satellite services carried the main national channels, as well as local, regional, and foreign channels.

The law prohibits the media from promoting activities that are illegal or against government policy, morality, or the common good and requires that all broadcasts "respect the religious feelings of the audiences and, in particular, respect the Christian system of values." The government enforced this provision in practice, levying many fines during the year to programs deemed offensive. There was significant political debate about how to interpret and apply this law.

In 2003 the Supreme Court ruled in favor of the *Zycie* newspaper's appeal of a Warsaw district court judgment ordering it to apologize to then president Kwasniewski for publishing untrue information. The paper had accused the then president of meeting with a Russian spy at a sea resort. Kwasniewski denied such a meeting and said that he was abroad on the day he was reportedly to meet with the Russian agent and filed a suit. The case was returned for further review to the lower court, which in September 2004 again ordered *Zycie* to apologize. The newspaper initiated a new appeal, which was still pending at year's end.

In January a Warsaw regional court found journalist Jerzy Urban guilty of insult for his 2002 publication in news weekly *Nie* of an article that criticized the pope for senility and made other derogatory remarks. The court fined Urban approximately \$6,250 (20,000 PLN). In response to this and other cases of alleged slander, the representative on freedom of the media of the Organization for Security and Cooperation in Europe (OSCE) expressed his concern that freedom of speech was not sufficiently protected under the country's law. Urban's appeal of the ruling was pending at year's end.

On January 10, the Bielsko-Biala district court fined a journalist for the biweekly newspaper *Nad Skawa* \$650 (2,000 PLN) for publicly insulting religious belief and publicly libeling the object of religious worship in 1998. The journalist had called the pope's visit to Skawa an "artistic event" and described Jesus Christ in graphically explicit terms.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the government did not always respect this right in practice. Permits were not necessary for public meetings but were required for public demonstrations. Authorities routinely issued permits for public gatherings; however, the mayor of Warsaw refused to issue a permit for a gay rights parade in June, and the mayor of Poznan denied a permit for a separate gay rights parade in November (see section 5).

Freedom of Association.—The law provides for freedom of association; however, there were restrictions on this right in practice. Private associations were required to register with the local district court in order to obtain government approval to organize. The organization must sign a declaration that it will abide by the law. In practice the procedure was complicated and subject to the discretion of a judge. There were no reports that private associations were routinely denied registration, or that any registration was denied for political reasons.

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

There are 15 religious groups that were officially recognized by the government before World War II, and whose relationships with the government are guided by specific legislation outlining their internal structure, activities, and procedures for property restitution. There were 150 other registered religious communities. Approximately 96 percent of the population was Roman Catholic. Although the constitution provides for the separation of church and state, crucifixes hang in both the upper and lower houses of parliament, as well as in many government offices. State-run radio broadcasts Catholic mass on Sundays, and the Catholic Church was au-

thorized to relicense radio and television stations to operate on frequencies assigned to the church—the only body outside the National Radio and Television Council allowed to do so.

Religious education classes continued to be taught in public schools. The government employed Catholic Church representatives to teach religious classes in schools. However, parents could request religious classes in any registered religion, including Protestant, Orthodox, Jewish, and Muslim religions. Children may choose between religious instruction and ethics, and may request exemption from any religious instruction. Non-Catholic religious instruction existed but was uncommon. In addition Catholic Church representatives sat on a commission that determined which books qualified for school use.

The government continued to work with both local and international religious groups to address property claims and other sensitive issues stemming from Nazi- and Communist-era confiscations and persecutions. Of approximately 10,000 communal property claims filed for restitution of religious property, more than 4,100 have been resolved and more than 1,200 properties had been returned by the end of the year.

At the end of the year, approximately 2,959 of the 3,063 claims filed by the Catholic Church had been concluded, with 1,420 claims settled by agreement between the church and the party in possession of the property (usually the national or a local government); 922 properties returned through decision of the commission on property restitution, which rules on disputed claims; and 617 claims rejected by the commission.

Claims by the local Jewish community, whose deadline for filing claims under the 1997 law expired in 2002, totaled 5,544. The commission considered 857 cases, of which 277 were settled amicably and 317 properties were restored.

The Lutheran Church, for which the filing deadline was 1996, filed claims for 1,200 properties. Of these 834 cases were heard, 228 of which were resolved amicably and 136 properties were restored. A total of 313 claims were filed with the commission by the Orthodox Church, of which 137 were closed in full or in part.

Societal Abuses and Discrimination.—Relations between various religious communities were generally amicable. There was a small Jewish population of approximately 20 thousand. There were reports of sporadic incidents of harassment and violence against Jews and occasional desecration of Jewish cemeteries, committed by skinheads and other marginal elements of society.

Occasional incidents of cemetery desecration were reported during the year.

The government provided grants to a number of organizations involved in antibias education, including the public-private Jewish Historical Institute (ZIH) in Warsaw. ZIH is the largest depository of Jewish-related archival documents, books, journals, and museum objects in the country. The government also provided grants to ZIH, which produces educational materials on Jewish culture, the Holocaust, and religious tolerance.

On May 5, the prime minister, the Israeli prime minister, and the Hungarian prime minister were featured speakers at the fourteenth March of the Living. An estimated 21 thousand participants walked from the former Auschwitz concentration camp to the former Birkenau death camp to honor victims of the Holocaust. Schoolchildren, Boy Scouts, the Polish-Israeli Friendship Society, Polish survivors of Auschwitz, and the Polish Union of Jewish Students participated in the march.

In 1998 the parliament created the commission for the prosecution of crimes against the Polish nation within the IPN. The IPN was responsible for commemorating Polish losses sustained in World War II and the postwar period, celebrating citizens' efforts to forge an independent state, and pressing for government compensation of past human rights violations. In April the government-funded IPN confirmed that Konrad Hejmo, a Polish priest posted to the Vatican, collaborated with the secret police in the 1970s and 1980s to provide information on Pope John Paul II. Hejmo was recalled from his position in the Vatican.

The ministry of culture, the city of Warsaw, and ZIH completed years of negotiations on January 25 when they signed an agreement to build a museum of the history of Polish Jews. Following an international competition, the design for the museum was awarded to Finnish architects in the fall.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 1,856 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

During the year the Halina Niec Human Rights Association reported that a refugee detention center in Lesznowola had inadequate standards of hygiene and in some facilities, insufficient lighting and ventilation, as well as a lack of privacy. The government responded by beginning construction on four more modern centers for refugees. The considerable increase in space and upgrades in efficiency were expected to address some of the current challenges.

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.—National parliamentary and presidential elections took place in September and October, respectively, and were regarded as free and fair. Multiple candidates from various political parties participated in the elections and had access to the media.

Following parliamentary elections on September 25, Kazimierz Marcinkiewicz became prime minister. Coalition talks with Civic Platform (PO) failed, and Law and Justice (PiS) formed a minority government, which received a vote of confidence from the parliament on November 10.

There were 94 women in the 460-seat lower house and 13 women in the 100-seat senate. There were 2 women in the 18-member cabinet.

There were two members of minorities in the lower house and no minorities in the senate. There were no minorities in the cabinet. The law exempts ethnic minority parties from the requirement that they win 5 percent of the vote nationwide in order to qualify for seats in individual districts.

Government Corruption and Transparency.—There was a widespread public perception of corruption in government. Experts reported that citizens considered political parties, parliament, the health care system, and the judiciary to be the most corrupt public institutions. The nongovernmental organization (NGO) Transparency International reported an erosion in public confidence in the country's institutions. According to a poll conducted in August by the Center for Public Opinion research (TNS OBOP), 94 percent of citizens believe corruption occurs very often (67 percent) or often (27 percent).

On September 19, the parliamentary Orlen investigative committee approved a final report on the "Orlengate" scandal, which originally surfaced in October 2004 with reports that the country's richest businessman had met with a former Russian spy and suggested he had official approval to negotiate the sale of state-owned Rafineria Gdanska, the country's second-largest oil refinery. The alleged conversation would have been illegal, since the law bars any state officials, with the exception of treasury ministry officials, from negotiating business transactions, including asset sales, on the government's behalf. The committee's final report concluded that President Kwasniewski, former prime minister Leszek Miller, former minister of treasury Wieslaw Kaczmarek, former minister of justice Barbara Piwnik, Speaker of the Sejm Wlodzimierz Cimoszewicz, Minister of Justice Andrzej Kalwas, and former minister of treasury Emil Wasacz should all be impeached before the state tribunal for their involvement in the scandal. On September 26, the committee's report was sent to the speaker of the house, but the case remained pending at year's end since the report had not yet been reviewed by the parliament.

In a separate matter a former aide leaked allegations of tax fraud against SLD presidential candidate Wlodzimierz Cimoszewicz to the press, leading him to withdraw from the presidential campaign on September 15.

In September 2004 businessman Marek Dochnal was arrested for allegedly bribing public officials for information about the privatization of a state-owned steel mill and the sale of shares of the country's largest oil company. His detention was

extended several times and he was still in custody at year's end, although no official charges had been filed or trial date set.

In April a government inspection of the central bureau of investigation (CBS) offices in Lodz revealed that over 265 pounds (120 kilograms) of narcotics had disappeared from CBS custody over the past few years. A similar inspection in May of the CBS offices in Poznan found that CBS officers were trading top-secret operational information. Both offices were closed, and the director of CBS, Janusz Golebiewski, resigned. Interior Minister Ryszard Kalisz offered his resignation to Prime Minister Marek Belka in response to these scandals. Belka did not accept Kalisz's resignation, but instead relieved Kalisz's deputy, Andrzej Brachmanski, of his position.

The law provides for public access to government information; in practice the government provided such access for citizens and noncitizens, including foreign media. Government refusals of requests for information must be based on exceptions provided in the law related to government secrets, personal privacy restrictions, and proprietary business data. Refusals may be appealed.

On November 25, the defense minister announced that the "Warsaw Pact files," which contain information about the 1968 Soviet invasion of Czechoslovakia and the 1981 imposition of martial law in the country, would be declassified and made available to historians at the IPN. Government-appointed teams began to evaluate which documents were appropriate for declassification.

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

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

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

The law prohibits discrimination based on race, gender, disability, language or social status, and the government effectively enforced these provisions in practice; however, violence and societal discrimination against women and ethnic minorities persisted.

Women.—Domestic violence against women continued to be a serious problem. Police statistics indicated that approximately 88,388 women were victims of domestic violence during 2004, with 17,158 convictions resulting from prosecution. During the year police reported 22,652 investigations, with 21,843 indictment requests forwarded to prosecutors. Women's organizations asserted that the number of women suffering from domestic abuse was probably much higher than reported. Violence against women remained hidden, particularly in small towns and villages.

The NGO Women's Rights Center reported that police were occasionally reluctant to intervene in cases of domestic violence, particularly when the perpetrator was a member of the police force and when victims were unwilling to cooperate. The police, in cooperation with the state agency for solving alcoholic problems, used the "blue card," a record-keeping system designed to document incidents of spousal abuse. However, the program had limited effect due to inadequate funding. There were 150,266 cases of family abuse reported in 2004, compared with 137,299 in 2003. The increase in reported cases was attributed to heightened police awareness, particularly in urban areas, as a result of media campaigns and NGO efforts. According to NGOs, courts often treated domestic violence as a minor crime, pronounced lenient verdicts, or dismissed cases. Most convictions for domestic abuse resulted in suspended sentences, although the law provides for up to five years in prison. The law does not provide for restraining orders to protect abused women from further abuse.

NGOs operated a number of centers to assist victims, provide preventive treatment and counseling to perpetrators, and train personnel working with domestic violence victims. Victims and their families received legal assistance from the ministry of internal affairs and psychological assistance from the ministry of labor and social policy, which also operated 9 shelters for pregnant women and mothers with small children and 158 crisis centers. Approximately 341 persons used the shelters during the year, and 31,943 persons used the crisis centers during the first 6 months of the year. However, neither the shelters nor the crisis centers were devoted exclusively to battered women. Women's advocacy groups complained there were too few state-supported shelters for battered women.

In July parliament passed a domestic violence law that provides for the creation of a national program on counteracting domestic violence, as well as provisions to support victims of domestic violence legally, psychologically, and physically.

Rape, including spousal rape, is illegal and punishable by up to 12 years in prison. During the year 1,987 cases of rape were reported, a slight decrease from the 2,176 reported in 2004. However, women often were unwilling to report the crime because of the associated social stigma, and NGOs estimated that the actual number of rapes was 10 times higher than reported. Of the 1,773 preparatory proceedings that police undertook for rape allegations, 1,360 were forwarded to prosecutors for indictment.

In divorce cases, courts frequently granted a divorce without providing for a property settlement, forcing women to return to abusive husbands. This problem was exacerbated by a lack of alternative housing.

Prostitution is legal, but pimping is illegal. Experts estimate that 30 thousand to 35 thousand women worked as prostitutes, many of them employed by the country's 1 thousand "escort services." Trafficking in women for the purposes of sexual exploitation was a problem (see section 5, Trafficking).

The law prohibits sexual harassment and regards it as "discrimination because of gender." The NGO Center for Women's Rights believed that sexual harassment was a serious and underreported problem. Many victims either did not report the crime (out of shame or fear of losing their job) or, according to police authorities, withdrew their claims as police investigations progressed. Social awareness of the problem continued to increase, however, as more reports of sexual harassment cases appeared in the media. Cases were typically prosecuted under a law stating that whoever takes advantage of a position of power in a relationship to gain sexual gratification may be sentenced to up to three years in prison. During the year police reported 54 investigations into sexual harassment cases under this law; in 2004 there were 225 such investigations, 13 of which resulted in convictions. Police attributed the difference in results to the incarceration of repeated violators.

The constitution provides for equal rights regardless of gender in family law, property law, and in the judicial system; however, apart from the constitution and the labor code, there were no laws to implement this provision. Women mainly held lower-level positions and frequently were paid less for equivalent work, were fired more readily, and were less likely to be promoted than men.

Women are prohibited from working underground (that is, in mining) or in jobs that require lifting of weights above a specified maximum. The prohibitions are binding on employers and do not permit exceptions even if requested by a female employee or with her consent. Additional restrictions apply to pregnant women.

The ombudsman for human rights monitored women's rights within the wider context of human rights; however, the broad scope of the office's mandate diluted its ability to function as an effective advocate of women's issues.

In November the government abolished the office of the government plenipotentiary for equal status for women and men, which had been charged with incorporating the principle of gender equality into governmental policy, including monitoring implementation of government programs aimed at achieving equal status. Those responsibilities were given to the department for women, family, and counteracting discrimination, which was established at the ministry of labor and social policy in December.

Until the abolition of her office, the plenipotentiary continued to implement her duties. The plenipotentiary protested discrimination of women a number of times during the year. She issued a statement severely criticizing parliament's rejection of a bill addressing discrimination against women. In May she sent protested to the mayor of Krakow over discrimination against women in the Cracovia Marathon, which presented female victors with a financial reward half as large as that of the men. The office of the plenipotentiary also provided financial grants to NGOs working to combat violence against women and to promote women in the labor market.

Children.—The government was committed to children's rights and welfare.

During the year the ombudsman for children's rights submitted more than 30 statements to various ministries and other public institutions regarding the rights and welfare of children, including appeals to undertake comprehensive measures to stop domestic violence against children, to enhance children's safety, and to improve their access to preschool education.

Education is universal and mandatory until age 18, and public schools are free. According to the UN Children's Fund (UNICEF), 98 percent of school-age children attended school. Most students continued their studies to the postsecondary level.

The government sponsored some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools; however, budget shortfalls prevented complete implementation of these programs.

Child abuse was rare. The law prohibits violence against children, and anyone who physically or psychologically abuses a juvenile may receive a prison sentence of three months to five years. However, abuse was rarely reported, and convictions

also were rare. Police reported 1,697 cases of the sexual exploitation of children, 158 cases of child pornography, and 70 cases of child abandonment. Schools did not have procedures to protect children from physical or psychological abuse by teachers, and the teachers' work code provides legal immunity from prosecution for corporal punishment in the classroom.

Trafficking in children, primarily for the purpose of sexual exploitation, was a problem (see section 5, Trafficking).

Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was a source, transit point, and destination for trafficked persons, primarily women and girls but also, to a lesser extent, boys. Internal trafficking for the purpose of sexual exploitation also occurred.

Several legal provisions specifically address trafficking; however, many convictions resulted in suspended prison sentences. The law prohibits trafficking in persons for the purposes of both sexual and nonsexual exploitation and imposes sentences of 3 to 15 years in prison. Pimping, recruiting, or luring persons into prostitution are also prohibited, with penalties up to 10 years in prison. Individuals convicted of trafficking in children and luring women into prostitution abroad receive the most severe sentences. Traffickers could also be prosecuted under laws criminalizing statutory rape, forced prostitution, and other acts.

Eleven agencies were involved in antitrafficking efforts. The ministry of interior and ministry of justice have primary responsibility for antitrafficking efforts, with the ministry of foreign affairs engaged on bilateral and multilateral levels. The government dissolved the plenipotentiary for equal rights for men and women, which had also been involved in antitrafficking programs.

The national police participated in several bilateral task forces that shared information, tracked the movement of traffickers and victims across borders, and coordinated repatriations and casework. In 6 of the 16 provinces, there were individuals or special teams at the county level monitoring trafficking. The national police coordinated these efforts. There was close cooperation with Ukraine and Belarus.

Individuals were trafficked to and through the country, primarily from Ukraine, Bulgaria, Romania, Belarus, and Moldova. A growing number were members of the Turkish minority in southern Bulgaria and from the Romani population in Romania. There was a decrease in victims trafficked from Russia. Individuals, including citizens, were trafficked to Western Europe, including Germany, Italy, Belgium, France, and the Netherlands, as well as to Japan and Israel. Some internal trafficking occurred. The extent of the problem was unclear because statistics on prostitution did not distinguish trafficking victims from those willfully engaged in prostitution and other aspects of the sex trade. Of the estimated 7 thousand prostitutes in the country, approximately 30 percent were estimated to be of foreign origin. The international NGO La Strada previously estimated that 75 percent of the foreign women working as prostitutes in the country were trafficking victims. In addition La Strada reported that as many as 10 thousand Polish women were trafficked out of the country annually. NGOs have noted a recent trend toward a higher percentage of victims being trafficked for labor in agriculture and other economic sectors.

Traffickers targeted young, unemployed, and poorly paid women, particularly those with weak family ties and support networks. Traffickers attracted victims through methods including fake employment offers, arranged marriages, fraud, and coercion. Some victims believed that they were accepting employment abroad as waitresses, maids, or nannies. While traveling to their purported destinations, traffickers confiscated their passports and identity papers and exerted control over them through fear and intimidation. Traffickers threatened victims with violence, and those who resisted or tried to flee were raped, beaten, or intentionally injured.

As many as 90 percent of those trafficked in the country had false travel documents, and the trafficking operation usually involved a network of criminals. One criminal would recruit the victim; a second would provide false travel documents and traffic her across the border; and a third would supervise her work with clients, functioning as a pimp. Arrest statistics indicated that approximately 25 percent of traffickers were noncitizens. Unlike in previous years, there were no reports of large-scale auctions of women in Warsaw and other cities. Prices for trafficked women and girls reportedly started at approximately \$2 thousand (6 thousand PLN).

There were unconfirmed reports of local police taking bribes to ignore trafficking activity.

Trafficking victims often were afraid to turn to officials for help because border guards and police could potentially deport victims, if they were not identified as such, on immigration law violations. In many cases unidentified victims were deported as soon as possible, preventing the government from providing assistance, despite legal provisions allowing foreign victims with illegal status to remain in the

country during the investigation and trial of their traffickers. NGOs attributed the high number of these deportations to the absence of national guidelines for police officers and border guards on how to approach and identify suspected victims. Victims were often prosecuted for carrying false travel documents, working illegally, and violating the terms of their visas.

Deported victims were sometimes met at the border by their traffickers, who provided them with new travel documents and returned them to the country. For example, in 2004 police detained a Bulgarian woman on several occasions, each time with a new identity and passport.

The revised immigration law, which came into force in October, introduces a "reflection period" of up to two months, during which a foreign trafficking victim may remain in the country legally while deciding between cooperating with law enforcement agencies and being deported. If a victim decides to remain and testify against the alleged trafficker, he or she receives a temporary residence permit.

While the government generally lacked resources to support victims financially, it cooperated extensively with NGOs, which provided a wide range of support services. The government leased an apartment to La Strada to use as a shelter for trafficking victims and gave another organization a grant to build a similar shelter. In January 2004 La Strada opened a 12-bed shelter with funding from foreign governments to provide victims with medical, psychological, and legal assistance. This shelter was at full capacity throughout the year. The number of shelters remained inadequate, and NGOs frequently resorted to temporary arrangements to shelter victims.

In April the council of ministers approved the national antitrafficking plan, which received approximately \$82 thousand (250 thousand PLN) for victim protection. As part of the plan, a series of trainings for police, border guards, prosecutors, judges, and social workers were held in 10 of the 16 provinces.

All incoming police officers reportedly received antitrafficking training. In September police began implementing the new antitrafficking training program in all police schools, offering general training to all incoming police officers.

La Strada received approximately \$33,000 (99,842 PLN) from the government to support its antitrafficking programs. The NGO conducted training courses at six police academies and border guard academies during the year. The courses were designed to improve knowledge of the issue of trafficking in persons among students of both academies. La Strada also offered counseling for victims and their families; developed training and prevention materials; and conducted awareness campaigns on the dangers of trafficking.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services, including health care. The government effectively enforced these provisions; however, there were reports of some societal discrimination against persons with disabilities. There were approximately 5.5 million persons with disabilities in the country at year's end.

The law states that buildings should be accessible for persons with disabilities; however, public buildings and transportation generally were not accessible to these persons. There is no legal obligation to adapt existing facilities to the needs of persons with disabilities and efforts to make improvements in this area have been hampered by lack of funding.

The first deputy minister in the ministry of social policy is responsible for disability-related issues. He supervises the state fund for rehabilitation of the disabled, and is advised by the national consultation council for the disabled. In July the fund approved three new programs to improve the access of persons with disabilities to education and public facilities, and to provide them with information centers. In September the fund approved the Partner 2006 program to support NGOs that implement projects for persons with disabilities.

During the year the government made only nominal gestures of support for strengthening the rights of persons with disabilities. On January 21, the lower house passed an amendment that more clearly defines the role of government financing in vocational and social rehabilitation. An additional bill reforming support and vocational rehabilitation of persons with disabilities was rejected during the first meeting of the lower house committee on May 4.

National/Racial/Ethnic Minorities.—There were occasional incidents of racially motivated violence directed at Roma, typically by skinheads. Individuals of African, Asian, or Arab descent also reported isolated incidents of verbal, physical, and other types of abuse. The small Ukrainian and Belarusian minorities occasionally experienced petty harassment and discrimination.

Societal discrimination against Roma was common, and some local officials discriminated against Roma in the provision of social services. According to its leaders, Roma faced disproportionately high unemployment and were hit harder by economic changes and restructuring than were ethnic citizens. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education.

In 2004 the government began implementing a “Program for the Roma Community in Poland” to improve Romani living and social conditions, access to health care, and employment opportunities. Coordinated by the ministries of interior and administration, the program was designed to combat ethnically related crime and protect and maintain the Romani culture and identity. The program included hiring Romani teaching assistants, providing vocational training to Roma, and training police on racially motivated crime.

In February 2004 the ECHR upheld the government’s 2001 rejection of the application for official minority status by the 170-thousand-member Silesian-speaking community. During the year the Silesian community appealed the government’s decision and was awaiting the decision of the court of first instance at year’s end.

The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. The German minority in Opole province made up one-third of the area’s one million inhabitants, and some community members continued to complain of inadequate use of German in the province’s schools.

On January 6, parliament passed a law establishing a joint committee to advise the prime minister on issues related to minorities, including minority rights, relevant legislative initiatives, and budget resource allocation. The new law also imposes an obligation on public authorities to allocate funds for the protection, preservation, and development of the cultural identity of minorities.

Other Societal Abuses and Discrimination.—Right-wing groups attempted on several occasions to disrupt gay pride marches. In May the mayor of Warsaw, Lech Kaczynski, denied approval of a gay rights parade organized by the Equality Foundation, a consortium of gay-rights groups, stating that he would not allow the promotion of gay culture. Despite the denial, on June 11, gay rights activists held a peaceful equality parade during which they complained about the discrimination they experienced in their everyday lives. Marchers were assaulted with objects such as rocks thrown by antigay demonstrators led by the ultraconservative All Poland’s Youth League. In September a Warsaw court ruled that the mayor’s refusal to issue a permit for the equality parade was illegal. In December the organizers of the parade filed a claim with the ECHR arguing that the country had violated three articles of the European Convention on Human Rights. The case was pending at year’s end.

On November 15, the mayor of Poznan, Ryszard Grobelny, refused to issue a permit for an equality march in that city. The mayor cited security concerns, but the NGO attributed the refusal to social intolerance of the local lesbian, gay, bisexual, and transgender (LGBT) community. On November 20, despite the denial of the permit, several hundred people demonstrated in support of gay rights. The activists were harassed, reportedly by members of the All Poland’s Youth League, who threw eggs and rocks and made verbal threats that were both homophobic and anti-Semitic in nature. Sixty-eight of the gay rights activists were arrested by police and interrogated about their participation before being released. Approximately one hundred of the violent counterdemonstrators were asked by police for identification in case police decided to investigate further.

On November 25, AI issued a public statement expressing concern over the local “climate of intolerance” against the LGBT community. The statement also criticized the abolition of the office of the plenipotentiary for equal rights for men and women.

There was discrimination against HIV-positive persons. The national AIDS center reported several minor cases of discrimination against HIV-positive persons in the units supervised and funded by the center. The center intervened when complaints were found to be justified.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including civilian employees of the armed forces, police, and frontier guard, have the right to establish and join trade unions of their choosing, and workers exercised this right in practice. According to press reports, 17 percent of the workforce was unionized. As a rule newly established small and medium-sized firms were nonunion, while union activity in most cases carried over into privatized (former state-owned) enterprises.

The law sets minimum membership requirements for establishing a trade union: 10 persons are required to form a local union and 30 for a national union. Unions, including interbranch unions for workers in the same profession and interbranch

federations of unions within a sector, must be registered with the courts. A court decision refusing registration may be taken to an appeals court. The law does not give trade unions the freedom to exercise their right to organize all workers. For example, workers on individual contracts cannot form or join a trade union.

The law prohibits antiunion discrimination; however, labor leaders reported that employers discriminated against workers who attempted to organize or join unions, particularly in the growing private sector. In state-owned enterprises, such as the health, water, and forestry sectors, there were cases in which workers had their normal employment contracts terminated and replaced by individual contracts that eliminated rights to join unions. Discrimination typically took the forms of intimidation, termination of work contracts without notice, and closing the workplace. The law also did not prevent employer harassment of union members for trade union activity; there were unconfirmed reports that some employers sanctioned employees who tried to set up unions. In December Frito Lay fired the chairman of the Solidarity Trade Union for allegedly allowing an increase in the number of union members. Managers also asked workers in the presence of a notary public to declare whether they were union members.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for and protects enterprise-level collective bargaining over wages and working conditions. As of June there were 165 collective bargaining agreements between employers and trade unions. The tripartite commission (unions, employers, and the government) was the main forum that determined national wage and benefit increases in sensitive areas, such as the social services sector.

Key public sector employers (largely in heavy industry and the social services sector) remained unable to negotiate with labor without the extensive involvement of the ministries to which they are subordinate, thereby complicating and politicizing the government's labor relations. The law provides for parties to take disputes first to labor courts, then to the prosecutor general, and, as a last resort, to the Supreme Court. During the year, 916 such disputes reached the Supreme Court.

All workers have the right to strike except for those in "essential services"—security forces, employees of the supreme chamber of audit, and uniformed services (such as the police, border guards, and fire brigades)—who only have the right to protest. These workers could also seek resolution of their grievances through mediation and the court system. A majority of strikes were technically illegal because one or both sides did not follow each step exactly. Labor courts acted slowly in deciding the legality of strikes, while sanctions against unions for calling illegal strikes and against employers for provoking them, were minimal. Unions alleged that laws prohibiting retribution against strikers were not enforced consistently and that the small fines imposed as punishment were ineffective deterrents. Organizers are liable for damages and may face civil charges and fines.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There were laws and policies to protect children from exploitation in the workplace, including a prohibition of forced or compulsory labor and policies regarding acceptable working conditions, and the government effectively enforced these provisions in practice. The law prohibits the employment of persons under the age of 15. Persons between the ages of 15 and 18 may be employed only if they have completed primary school and the proposed employment constitutes vocational training and is not harmful to their health.

The state labor inspectorate (PIP) reported that increasing numbers of minors worked and that many employers violated labor rules by underpaying them or paying them late. During the year PIP conducted 732 investigations involving almost 3,930 possible underage employees. Fines were levied in 428 cases, amounting to approximately \$32,000 (99,300 PLN). Inspectors found violations in restaurants, stud farms, and, in some instances, small private businesses and factories.

e. Acceptable Conditions of Work.—The ministry of labor, the unions, and employers' organizations negotiate a revised national minimum wage every three months. At year's end the national minimum monthly wage of approximately \$252 (849 PLN) did not provide a decent standard of living for a worker and family. During the year parliament passed legislation raising the minimum wage to approximately \$300 (899 PLN) on January 1, 2006. The large size of the informal economy and the low number of government labor inspectors made enforcement of the minimum

wage very difficult. A large percentage of construction workers and seasonal agricultural laborers from Ukraine and Belarus earned less than the minimum wage.

The law provides for a standard workweek of 40 hours, with an upper limit of 48 hours per week, including overtime. The law requires premium pay for overtime hours, but there were reports that this regulation was often ignored. The law provided for workers to receive at least 11 hours of uninterrupted rest per day and 35 hours of uninterrupted rest per week.

The law defines strict and extensive minimum conditions for the protection of workers' health and safety; however, enforcement was a major problem because it was unclear which government body had responsibility for enforcing the law. The PIP was unable to monitor workplaces sufficiently. During the first 9 months of the year, 54,531 workers were injured in workplace accidents, 654 were seriously injured, and 326 were killed. Employers routinely exceeded standards for exposure to chemicals, dust, and noise. The PIP may shut down workplaces where it finds unsafe conditions.

The law permits workers to remove themselves from dangerous working conditions without losing their jobs; however, they were unable to do so in practice without jeopardizing their employment.

PORTUGAL

Portugal, with a population of approximately 10.4 million, is a constitutional democracy with a president, a prime minister, and a parliament elected in multiparty elections. National parliamentary elections on February 20 were free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, the following human rights problems were reported:

- police and prison guards beat and abused detainees
- poor prison conditions
- lengthy pretrial and preventive detention
- trafficking in persons, foreign laborers and women

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed arbitrary or unlawful killings; however, security forces killed eight persons during the year. Most of the killings took place during the pursuit of suspects, either on foot or in car chases, after the suspects failed to obey repeated verbal orders by security forces. One killing occurred inside a police station when a prisoner attempted to escape through a bathroom window. The eight killings were under investigation by the government's Inspectorate General of Internal Administration (IGAI).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were credible reports of disproportionate use of force by police and of mistreatment and other forms of abuse by prison guards against detainees.

During the year the IGAI investigated new reports of mistreatment and abuse by police and prison guards (see section 1.d.).

An internal prison inquiry into the beating of Albino Libânio in 2003 found that he had sustained multiple injuries from an assault that may have amounted to torture. A criminal investigation into the matter was pending, and disciplinary proceedings against several prison officers were ongoing.

In December a trial began of three police officers who were accused of assault in 1995.

Prison and Detention Center Conditions.—Prison conditions remained poor, and guards continued to mistreat prisoners. Other problems included overcrowding, inadequate facilities, poor health conditions, and violence among inmates.

Most of the guidelines and legislative proposals the government adopted in 2004 to reform the prison system had not been put in practice. However, some improvements were made during the year, including the opening of several new detention facilities, a decrease in prison overcrowding, an increase in personnel training and

implementation of a new prison administration program in the Santa Cruz do Bispo Prison.

Approximately 30 percent of the prison population had hepatitis B or C, and 14 percent were HIV-positive. According to the Ministry of Justice, 55 persons died in prisons during the first 6 months of the year, 49 of them from unspecified illnesses. Six were reported as suicides. One-third of the total deaths occurred while under preventive detention. The government started a new AIDS prevention and treatment program in two major prisons on a three-year trial basis.

Although there was a youth prison in Leiria, at times juveniles were held with adults elsewhere in the prison system. Pretrial detainees were held with convicted criminals.

The government permitted visits by independent human rights observers 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.—There were approximately 50 thousand law enforcement officials, including police and prison guards. The Ministries of Justice and Internal Administration are primarily responsible for internal security. The Republican National Guard (GNR) has jurisdiction outside cities, and the Public Security Police (PSP) has jurisdiction in cities. The Aliens and Borders Service (SEF) has jurisdiction on immigration and border issues.

Some members of the security forces committed a number of human rights abuses. In 2004 the IGAI received 276 complaints of human rights abuses. The majority of the complaints were against the PSP and the GNR, 166 and 94 respectively. The complaints included injuries or threats with firearms, excessive use of force, illegal detention, and abuse of power.

The major problems with the police forces were understaffing, insufficient training with firearms, and inconsistent or weak law enforcement. According to a former senior IGAI official, the increase in the number of persons killed by security forces during the year could be linked to the lack of adequate firearm training. There were no indications that police corruption was widespread. During the year police officers received professional training, and the government regulated their actions through mechanisms established by law.

An independent ombudsman is chosen by the parliament and the IGAI to investigate complaints of abuse or mistreatment by police; however, nongovernmental organizations (NGOs) criticized the slow pace of investigations and the lack of an independent oversight agency to monitor the IGAI and Ministry of Interior.

Arrest and Detention.—The law provides detailed guidelines covering all aspects of arrest and custody, and the authorities generally followed the laws in practice. Persons can only be arrested based on a court ordered warrant. However, warrantless arrests by law enforcement officials and citizens can be made in cases where there is probable cause to believe a crime has been or is being committed and in cases where the person to be arrested is an escaped convict or detention prisoner.

Under the law an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held for more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of six months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes such as murder or armed robbery, or of those involving more than one suspect, investigative detention may last for up to two years and may be extended by a judge to three years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. Detainees have access to lawyers from time of arrest, and the government assumes any necessary costs.

In 2004 the IGAI received 17 complaints linked to arbitrary arrests, which were duly investigated.

There were no reports of political detainees. Lengthy pretrial detention was a problem; however, the government made progress in addressing the problem.

By year's end 2,325 individuals (18 percent of the prison population) were in "preventive detention," which was a decrease from the previous year. According to the Director General for Prisons, the number of pretrial detainees has decreased by approximately one thousand since 2003 due to more efficient legal practices and a doubling in the number of electronic monitoring devices for detainees. Detention time for detainees who remained under preventive detention in prison also decreased significantly. The average detention time was 8 months (down from 26 months), while approximately 20 percent of preventive detainees spent more than 1 year in prison.

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

The court system consists of a constitutional court, a supreme court of justice, and judicial courts of first and second instance. There is also a supreme court of administration, which handles administrative and tax disputes and is supported by lower administrative courts. There is an audit court in the Ministry of Finance.

There were more than 500 courts in the country, and approximately 3 thousand magistrates and judges; however, staff shortages, budget restrictions, court delays, and the lack of computerization continued to be serious problems that contributed to inefficiency and a backlog of cases.

Critics, including the media, business corporations and legal observers, estimated the backlog of pending trials was at least a year. A two-day strike in October by judges, district attorneys, court employees, and notaries to protest proposed decreases in benefits and a freeze on automatic promotions did not substantially affect the backlog of cases.

Trial Procedures.—Jury trials can be requested for criminal cases but are rare. Civil cases do not have jury trials. Defendants are presumed innocent and have the right of appeal and the right to consult with an attorney in a timely manner, at government expense if needed. They can confront and question witnesses against them, present evidence on their behalf, and have access to government held evidence. These rights were generally followed in practice.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press and judiciary and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

The 2001 Religious Freedom Act created a legislative framework for religions established in the country for at least 30 years, or recognized internationally for at least 60 years. The act provides all other qualifying religions with benefits previously reserved for the Catholic Church: full tax-exempt status, legal recognition for marriage and other rites, chaplain visits to prisons and hospitals, and respect for traditional holidays. In December 2003 rules were enacted to govern the commission that supervises implementation of the act. In 2004 procedures were published in the national gazette, *Diario da Republica*, on how to create a registry of religious entities.

The Catholic Church maintains a separate agreement with the government under the terms of the 1940 Concordat. In May 2004 the government signed an amended concordat with the Vatican to comply with the 2001 Religious Freedom Act. The new concordat was approved by Parliament and the president and ratified in 2004. It recognized for the first time the juridical personality of the Portuguese Episcopal Conference. It also allows the Catholic Church to receive 0.5 percent of the income tax that citizens can allocate to various institutions in their annual tax returns.

Societal Abuses and Discrimination.—The Jewish population was approximately 700. There were no reports of anti-Semitic acts. Government efforts to promote antiracism and tolerance education included the president's participation in a ceremony in September to commemorate the anniversary of the founding of Lisbon's 19th century synagogue, which was restored for religious services and cultural events. The government also provided matching funding to help build a new mosque in Lisbon.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The country's system for granting refugee status was active and accessible. The country's refugee population was estimated at 377. According to the Ministry of the Interior, there were 113 requests for political asylum, primarily from African and Central and South American countries.

During the year the government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and 1967 protocol, although the exact number was not available.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

Elections and Political Parties.—Free and fair national parliamentary elections were held February 20. The Socialist Party won a ruling majority, ending a governing coalition between the Social Democrat Party (PSD) and the Christian Democrat/People's Party (PP).

There were 58 women in the 230-member parliament. There were two women in the cabinet. There were no minorities in parliament or the cabinet.

Government Corruption and Transparency.—There were no reports of government corruption during the year.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views; however, most of the groups continued to complain about the slow pace of investigations or remedial actions.

The country has an independent human rights ombudsman who is responsible for defending human rights, freedom, privileges, and the legitimate rights of all citizens. The ombudsman had adequate resources and published mandatory annual reports and special reports on such issues as women's rights, prisons, and the rights of children and senior citizens.

Within parliament there is an independent First Committee for Constitutional Issues, Rights, and Liberties and Privileges, which has oversight over human rights issues. It drafts and submits bills and petitions for parliamentary approval. During the year these included improvement of civil protection laws, additional legislation on crimes of moral harassment in the workplace, arson, and parental rights.

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

The law prohibits discrimination based on race, gender, disability, language, and social status; however, discrimination against women and ethnic minorities persisted.

Women.—Violence against women, including domestic violence, continued to be a problem. While there was no clear evidence that violence against women increased, more cases of violence were reported. In January the government established the Portuguese Structure against Domestic Violence (EMCVD), which launched a nationwide awareness campaign against domestic violence, trained health professionals, proposed legislation to improve legal assistance to victims, increased the number of safe houses for victims of domestic violence, and signed protocols with local authorities to assist victims.

Of the nearly 10,041 cases of violence during the first 9 months of the year reported to the Association for Victim Support (APAV), more than 83 percent involved domestic violence. The APAV is a nonprofit, charitable organization that provides confidential and free services nationwide to victims of any type of crime. (Most re-

ported domestic violence cases are registered by the PSP and GNR, who redirect victims to APAV for assistance.) The PSP alone detained 500 suspects of domestic violence during this time period, resulting in 83 arrests.

According to women's rights NGO, the Union of Women Alternative and Response, 39 women were killed by their husbands or partners in the 12 month period that ended in November.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecuted persons accused of abusing women; however, traditional societal attitudes still discouraged many battered women from using the judicial system.

According to the head of the newly established government-sponsored Mission Against Domestic Violence, only 10 percent of cases were brought to trial. The vast majority were resolved outside of the court system by lawyers who mediated between the parties. In 2003, according to the Ministry of Justice, there were 677 court cases related to domestic violence. Of that number, 43 percent ended were closed without prosecutions.

The government's Commission for Equality and Women's Rights ran 14 safe houses for victims of domestic violence and also maintained a 24-hour-a-day, 7-day-a-week phone service. The safe house services included food, shelter, and health and legal assistance.

The law specifically makes rape, including spousal rape, illegal, and the government generally enforced these laws. However, statistics were not available for the number of abusers who were prosecuted, convicted, or punished.

Prostitution was legal and common, and there were reports of violence against prostitutes. Only pimping, running brothels, and the procurement of prostitutes are illegal and legally punishable. Trafficking in women for the purpose of sexual exploitation continued to be a problem (see section 5, Trafficking).

Sexual harassment is a crime if perpetrated by a superior in the workplace. The penalty is two to three years in prison.

The Commission on Equality in the Workplace and in Employment (CITE), which is composed of representatives of the government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment. Reporting of sexual harassment was on the rise. According to a study conducted by the Higher Institute for Labor and Entrepreneurial Sciences and published by CITE, one out of three women has been victim to sexual harassment, which ranged from offensive gazes to sexual propositions, insults and threats to coerced or unwelcome touching.

The civil code provides women with full legal equality with men; however, in practice women experienced economic and other forms of discrimination. Of the 349,847 students enrolled in higher education in the 2004-05 school year, 55 percent were women. Although women made up 47.3 percent of the working population and increasingly were represented in business, science, academia, and the professions, their average salaries were about 30 percent less than men's.

Discrimination by employers against pregnant workers and new mothers was a common problem.

Children.—The government was strongly committed to children's rights and welfare. Nine years of compulsory, free, and universal education was provided for children through the age of 15. The majority of children attended school; however 45 percent dropped out before completing high school. The government also provided preschool education for children age four and older upon entry into primary school.

The government provided free or low cost health care for all children until the age of 15; girls and boys had equal access.

Child abuse was a problem. The nonprofit APAV reported 396 cases of crimes against children under 18 during the first 9 months of the year. Most of the cases involved domestic violence.

The high-profile trial of a pedophilia operation at the Casa Pia children's home in Lisbon that began in November 2004 continued at year's end. The 8 defendants faced charges ranging from procurement and rape to homosexual acts with adolescents and sexual abuse of minors for abusing 46 children.

Trafficking of children for sexual exploitation and forced labor remained a problem (see section 5, Trafficking).

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, or within the country. The law also criminalizes the trafficking of children under 16 years of age for the purpose of sexual exploitation. Each law that can be applied to traffickers, such as facilitating the illegal entry of persons, employing an illegal immigrant, false documentation, extortion, fraud, and sexual exploitation, carries a penalty of between one and

eight years' imprisonment. By citing the violation of multiple provisions, judges have handed down longer sentences.

According to the latest available statistics, the government in 2004 initiated 408 investigations and 248 prosecutions related to immigration crimes, including trafficking in persons. The government's annual statistical summaries are for classes of crimes that include trafficking but do not isolate trafficking in person crimes in a separate category. Prison sentences ranged from 18 months to 15 years; however, many were in the 11- to 15-year range.

The government assisted other countries with international investigations of trafficking. In January 2004 the government established an antitrafficking task force to ensure coordination and communication among relevant government bodies and NGOs. In December the government launched a pilot project to combat prostitution and the trafficking of women for sexual exploitation in the country. It involved the Ministries of Justice and Interior, the Commission for the Equality and Rights of Women, the High Commission for Immigration and Minorities, the IOM, various NGOs, and the police and security forces. The project's main goals are to establish a full-time body and database within the Ministry of Interior to monitor trafficking-related developments, open a safe house for trafficking victims, and create a registry for filing legal complaints that can be used by police security forces.

The country is a destination for men and women trafficked from Ukraine, Moldova, Russia, Romania, and Brazil for the purposes of forced labor and sexual exploitation. There were reports that immigrant children were used for street begging. Some trafficking victims were transited through the country to other European countries. Most trafficked persons were Eastern European males who ended up working in construction or in other low-wage industries, such as textile manufacturing, woodworking, metalworking, and marble cutting. Some trafficked women (mostly from Eastern Europe and Brazil) worked as prostitutes. Trafficked persons usually lived in hiding in poor conditions, often with little or no sanitation facilities and in cramped spaces. Some trafficked workers were not paid, and some were "housed" within the factory or construction site. Moldovan, Russian, and Ukrainian organized crime groups reportedly conducted most of the trafficking of Eastern Europeans. The traffickers frequently demanded additional payments and a share of earnings following their victims' arrival in the country, usually under threat of physical harm. They often withheld the identification documents of the trafficked persons and threatened to harm family members who remained in the country of origin.

The government may refer victims to NGOs for short and long-term assistance and may provide short- or long-term residency for victims willing to cooperate with law enforcement. The government's high commissioner for migration and minorities is responsible for coordinating assistance to immigrants, including trafficking victims.

During the year the government targeted information campaigns toward immigrant populations and to persons in source countries vulnerable to exploitation and trafficking. The government also placed immigration liaison officers in prominent source countries.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced the law. The law also mandates access to public buildings for such persons, and the government enforced these provisions in practice; however, no such legislation covers private businesses or other facilities.

The Ministry of Labor and Social Solidarity oversees the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, which is responsible for protection, professional training, rehabilitation, and integration of persons with disabilities, and enforcement of related legislation.

National/Racial/Ethnic Minorities.—The government effectively protected the civil and political rights of minority groups. The principal minority groups were immigrants, legal and illegal, from the country's former African colonies, Brazil, and Eastern Europe. Approximately 500 thousand legal immigrants lived in the country, representing an estimated 5 percent of the population. The country also had a resident Romani population of approximately 50 thousand.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form or join unions of their choice without previous authorization or excessive requirements, and they exercised this right in practice. Approximately 35 percent of the total workforce was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The right to organize and bargain collectively was recognized and exercised freely in practice. The law provides for the right to strike, and workers exercised this right in practice. During the year there were strikes in the education, health, justice, transportation, and agriculture sectors. If a long strike occurs in an essential sector such as justice, health, energy, or transportation, the government may order the strikers back to work for a specific period. The government rarely has invoked this power. However, in October the government intervened in a two-day judges' strike by calling on indispensable workers to avoid delays in ongoing legal actions and court cases (see section 1.e.).

Police officers and members of the armed forces may not strike legally, but they have unions and recourse within the legal system.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively implemented laws and policies to protect children from exploitation in the workplace.

The minimum working age is 16 years. There were instances of child labor, but the overall incidence was small and was concentrated geographically and by sector. The greatest problems were reported in Braga, Porto, and Faro and tended to occur in the clothing, footwear, construction, and hotel industries.

According to the government's last major study on child labor, in 2001, approximately 48,900 children between ages 6 and 15 engaged in some form of economic activity. Of that number, 85.3 percent were unpaid family workers, 14.7 percent worked for third parties, and 98.6 percent attended school. Of these children, 48.4 percent were employed in the agricultural sector, 12.4 percent in manufacturing, and 8.9 percent in construction. Of the children that worked, the vast majority worked 15 hours or less per week; however, about 11 percent worked more than 35 hours per week.

The government's principal body to address, monitor, and respond to reports of child labor is the Plan for the Elimination of Exploitation of Child Labor (PETI). The Ministry of Labor and Social Solidarity is responsible for enforcing child labor laws, and it did so effectively.

There were reports that Romanian minors were often used for street begging (see section 5, Trafficking).

e. Acceptable Conditions of Work.—The monthly minimum wage, which covers full-time workers, rural workers, and domestic employees ages 18 and older, was approximately \$449 (374.70 euros) and did not provide a decent standard of living for a worker and family. However, widespread rent controls and basic food and utility subsidies increased the standard of living. Most workers received higher wages, with the General Confederation of Portuguese Workers estimating an average monthly salary of approximately \$916 (763.20 euros), excluding public servants.

The maximum legal workday is 10 hours, and the maximum workweek is 40 hours. There is a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Labor and Social Solidarity effectively monitored compliance through its regional inspectors.

Employers legally are responsible for accidents at work and are required by law to carry accident insurance. The General Directorate of Hygiene and Labor Security develops safety standards in line with European Union standards, and the general labor inspectorate is responsible for their enforcement; however, the inspectorate lacked sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiated lawsuits. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and the authorities effectively enforced this right.

ROMANIA

Romania, a country of approximately 22.3 million persons, is a constitutional democracy with a multiparty, bicameral parliamentary system. Traian Basescu was elected president in December 2004 in elections characterized by irregularities, but

which were judged generally free and fair. The civilian authorities generally maintained effective control of the security forces.

The government made increasing attempts to address human rights issues during the year; however, human rights abuses continued to occur. The following human rights problems were reported:

- police abuse and harassment of detainees and Roma
- poor conditions in prisons and detention centers
- political influence over the judiciary
- restrictions on freedom of religion
- failure to reconstitute property to the Greek Catholic Church and other denominations
- incidents of intimidation and harassment of journalists
- widespread corruption
- violence and discrimination against women
- significant lapses in protecting children's rights
- trafficking in persons
- neglect of and inadequate assistance for persons with disabilities
- violence and discrimination against the Roma and homosexuals
- discrimination against persons living with HIV/AIDS
- lack of enforcement of labor laws

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no politically motivated killings by the government or its agents, although there were allegations that three extrajudicial killings had occurred.

Nongovernmental organizations (NGOs) reported suspicious circumstances surrounding the January 11 death in Buzau of 50-year-old Dumitru Ciobu, who had been taken into custody after neighbors complained that he was disturbing public order. Ciobu reported feeling ill and died in police custody en route to the hospital. According to the forensic report, he died of a hemorrhage resulting from pancreatic cancer, but NGOs questioned the rapid progression of the disease and called for an investigation into the matter to determine if the death resulted from possible police abuse. No investigation had been initiated by year's end.

On August 6, railway transportation police shot and killed a 34-year-old man, Gheorghe Cazanciuc, while he was allegedly stealing copper wires. The police reported that Cazanciuc attempted to flee the scene. Human rights NGOs asserted that the use of a firearm by police was excessive and illegal under the law, given the nature of the crime. Police did not open an investigation.

On August 8, four police officers in Constanta beat a drunk man, Viorel Gionea, who went into a coma and died 10 days later. The forensic report attributed Gionea's death to a head injury he sustained from a fall at his workplace the day before the beating. The police discipline commission fired all four police officers and placed two of them under criminal investigation for abusive behavior and inflicting serious physical injuries. The commander of Constanta police was also dismissed.

In October police and prosecutors in Calarasi county transferred to another precinct the police officer who shot and killed 31-year-old Nicusor Serban in Jegalia in May 2004 when he resisted arrest.

In April authorities released from prison on medical grounds one of two former security agents found responsible in 2003 for the 1985 beating death of former dissident Gheorghe Ursu. The other agent remained in prison. The two had been sentenced to 10 years in prison. A new forensic report, requested in an appeal by the two agents, was issued in November. The new report attributed Ursu's death to a lack of medical care, a finding which contradicted a 1993 coroner's report attributing the death to the beatings. Human rights NGOs questioned the accuracy of the November report, which—although legally acceptable in a court—was carried out nearly 20 years after the crime.

In July the Association for the Defence of Human Rights in Romania—the Helsinki Committee (APADOR-CH) reported the death of prisoner Victor Garcea in suspicious circumstances in the prison in Giurgiu. Garcea had acute head and body injuries when he was taken to Bagdasar hospital, and he died five days later. Authorities declared that his injuries were due to an accident, and the case was closed. However, human rights NGOs noted that the circumstances of his death indicated

possible foul play, since Garcea had allegedly formally complained before his death that his family had been denied visitation rights.

NGOs reported a case in which 24-year-old Ionut-Cristinel Maftai, who was serving a 5-year prison term for theft in Iasi, entered a coma and died in June 2004 following a serious head injury received in his jail cell in unclear circumstances. Suspecting the involvement of the cell supervisor, in July 2004 Maftai's family filed a complaint against the supervisor with the military prosecutor's office in Iasi. The case was forwarded to the prosecutor's office of the territorial military tribunal, which decided in January that there was insufficient evidence to open a criminal investigation. Maftai's father appealed the decision three times to successively higher military courts, and each of the appeals was rejected.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were numerous credible reports of police torture and mistreatment of detainees and Roma, primarily through excessive force and beatings by police.

In August the media reported that two men from Buzau were beaten by a police officer who was escorting them to the local precinct after the two were engaged in an altercation at a restaurant. The officer was under investigation at year's end.

In October a student from Bucharest, Razvan Vasile Muraru, stated that he had been beaten by three police officers in Tulcea county after allegedly having been taken without grounds to the police station. Muraru filed a complaint with the prosecutor's office, and police initiated an internal investigation which remained open at year's end.

In December two police officers in Tibana in Iasi county allegedly beat four minors with clubs and forced them to admit to committing an alleged theft. Two of the minors had to be hospitalized for their injuries. The officers were dismissed and remained under criminal investigation at year's end.

According to human rights NGOs, on February 2, the general prosecutor's office decided not to prosecute an unspecified number of members of the Bucharest fourteenth police precinct and the rapid intervention police squad for allegedly physically assaulting Cristian Bujor, a 15-year-old bystander who was walking by a fight between the police and a group of taxi drivers in March 2004. Bujor's relatives alleged that police pressured the hospital to release him after less than 48 hours to prevent doctors from issuing a medical certificate. The prosecutor's office cited Bujor's failure to provide medical documentation of his injuries and his family's decision not to take the case to court as factors influencing its decision.

Romani NGOs continued to claim that police used excessive force against Roma and subjected them to brutal treatment and harassment. On April 12, a police officer in Moreni allegedly beat a Romani individual in a bar without cause, resulting in injuries that required six days of hospitalization. The case remained under investigation at year's end.

On two separate occasions in November, police searched Romani neighborhoods during an eviction operation and physically assaulted several Roma (see section 1.f.).

There were no developments in the January 2004 case in which Bucharest police shot and wounded Marius Silviu Mitran.

In August a court in Simleul Silvaniei dismissed a case against local police in which the head of a local police station and three civilians reportedly subjected a Roma couple, Stela and Sofron Varga, to verbal and physical violence in Banisor in January 2004. One of the three civilians accepted responsibility in court for the violence against the Romani couple and in December, the court gave him a five-month suspended sentence.

A police officer accused of physically assaulting a 12-year-old boy in Fetesti in June 2004 was acquitted of criminal charges but ordered by the court to pay the defendant \$65 (ROL 2 million) and court expenses of \$165 (ROL 5 million). The charges were reduced by the court, which determined that the officer had not been on duty at the time of the beating. The police officer has reportedly not paid the defendant or the court and remained employed as a police officer at year's end.

The lawsuit involving two members of the Service for Protection and Guard, who in August 2004 physically assaulted Serban Pretor, state secretary on the national audiovisual council (CNA), continued without resolution at year's end. The trial date was repeatedly postponed during the year.

In 2004 a county-level council of discipline of the police inspectorate found a plain-clothes officer innocent in the 2003 beating of Mihai Dumitru during a raid in Tulcea. The ministry of the administration and interior (MOAI) initially acknowledged the officer's guilt and proposed that the council of discipline punish him ac-

ording to the police officers' status law. The prosecutor's office referred the case to court for criminal prosecution in 2004, but the victim withdrew his complaint after reaching an out-of-court settlement with the police officer.

Lesbian and gay rights NGOs complained that police singled out members of this community for violence and harassment and noted that few victims pursued charges due to fear of harassment from the local community and police or the belief that authorities would not carry out unbiased investigations (see section 5).

Prison and Detention Center Conditions.—Prison conditions remained harsh and did not meet international standards. Overcrowding remained a serious problem, although there was a slight improvement over 2004 in respecting prisoners' rights, such as visitation privileges. At the end of the year, 36,682 persons, including 858 minors, were in prison or juvenile detention facilities in a system with a capacity of 37,393. Overcrowding resulted from a high concentration of inmates in a few facilities; for example, the prison in Bacau operated at 300 percent of its capacity, and the facility at Margineni had 60 cells for 1,500 prisoners, with many cells housing 40 to 50 prisoners each.

Media and human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. There were reports that at the prison in Jilava, prisoners with few or no visitors were often the victims of physical and sexual abuse by other prisoners, due to the inability of the victims to obtain outside support, including through filing complaints.

Sanitation and hygiene in prisons did not meet international standards. Medical facilities were not sufficient to care for all prisoners and detainees. Heating and hot water were not available in several facilities. At the prison at Jilava, prisoners complained of mold on cell walls, rust in the tap water, poor heating, and cold showers. Because the facility was built on swampland, sludge periodically flooded the cells, bringing rats and mice. Many prisoners had lice and scabies, and reported the insufficient provision of many medications.

NGOs stated that the lack of daily activities for prisoners was a major problem. NGOs also reported that prison meals did not provide the minimum necessary calories and that prisoner access to health care was inhibited by the lack of doctors dedicated to prisoners.

The government continued limited efforts, including partnerships with NGOs, to alleviate harsh conditions and to deter the spread of HIV and tuberculosis. With funding from the European Union (EU), the government upgraded five prison hospitals, equipping them to detect infections more rapidly. The government also provided segregated cells for self-declared homosexual prisoners at the maximum security penitentiary in Adjud to better ensure their safety, and offered higher education courses for prisoners to continue their studies.

Because of overcrowding in certain prisons, detainees awaiting trial were sometimes held in the same facilities and treated in the same manner as convicted prisoners.

The government permitted prison visits by human rights observers and media representatives. The national administration of penitentiaries reported that there were 5,688 individual or group visits by media and domestic and foreign NGOs to penitentiaries 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 MOAI is responsible for the national police and the gendarmerie, as well as the border police, alien authority, national office for refugees, the general directorate of information and internal protection (DGIPI) (which oversees the collection of intelligence on organized crime and corruption), the special protection and intervention group, and the special aviation unit. The national police agency is the inspectorate general of Romanian police, which is divided into a number of specialized directorates and has 42 regional directorates for counties and the city of Bucharest. The internal intelligence service (SRI) also collects intelligence on major organized crime, major economic crimes, and corruption. Both SRI and DGIPI turn over the intelligence they gather on criminal activity to the prosecutor's office for criminal investigation.

While the police generally followed the law and internal procedures, corruption was a continuing problem which remained a main cause of citizens' lack of respect for the police and contributed to a corresponding lack of police authority. Extremely low salaries (which were sometimes not paid on time) contributed to the susceptibility of individual law enforcement officials to bribes. According to human rights NGOs, forensic reports are frequently unreliable, often erring in favor of police and other officials.

Police impunity was a problem. Complaints of police misconduct are handled by the internal disciplinary council of the unit where the reported officer works. During the year 107 cases were investigated for alleged violations of human rights. Officers were found innocent in 65 cases and to have had no involvement in 10 cases. The outcome of one case was withheld from the public. Thirteen officers were disciplined, and three were sanctioned administratively. Fifteen of the 107 cases remained under investigation at year's end, and the disciplinary council was also continuing to investigate 15 additional cases of corruption, a category separate from human rights violations.

Police reform continued during the year. The government, with support from law enforcement agencies from other countries, offered police training workshops on topics such as human rights and the proper treatment of criminal suspects.

On August 25, the government adopted a new police code of ethics that establishes rules for police conduct in special circumstances and when working with the public.

Arrest and Detention.—The law provides that only judges may issue arrest and search warrants, and the government generally respected this provision in practice. The law requires authorities to inform detainees at the time of arrest of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement. Detainees must be brought before a court within 24 hours of arrest. The law provides for pretrial release at the discretion of the court. A bail system also exists; however, it was seldom used in practice. Detainees have a right to access to counsel, and generally had prompt access to counsel and their families. Indigent detainees were provided with legal counsel at public expense.

The law allows police to take any person who endangers the public, other persons, or the social order to a police station. There were allegations that police often used this provision to detain persons up to 24 hours. The confidentiality of discussions between detainees and their lawyers was generally respected in practice.

In May Rompetrol chief executive Dinu Patriciu alleged that prosecutors detained him for longer than the 24 hours allowed by law. The general prosecutor's office (GPO) refuted the allegation, claiming that Patriciu had appeared before prosecutors voluntarily for questioning, albeit in response to a request. The GPO asserted that the initial phase of questioning could not therefore be considered a period of detention.

There were no reports of political detainees.

A judge may order pretrial detention for periods of 10 or 30 days, depending upon the status of the case. The court may extend these time periods; however, pretrial detention may not exceed 180 days. Courts and prosecutors may be held liable for unjustifiable, illegal, or abusive measures.

Pretrial detainees represented approximately 7.5 percent of the prison population.

Amnesty.—In July President Basescu pardoned on humanitarian grounds a 26-year-old woman sentenced in 1998 to two years in prison for a theft committed as a minor.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, judges continued to be subject to political pressure.

In order to comply with requirements for EU accession in June, the parliament passed a new judicial reform law to increase the independence and professionalism of judges and prosecutors. Human rights and democracy NGOs widely supported the legislation. The law, which became effective in July, provides the minister of justice the authority to propose to the president the removal of senior management within the GPO and the national anticorruption prosecutor's office (PNA), with the superior council of magistrates (CSM) retaining only an advisory role. The law also establishes rules to prevent conflicts of interest among judges and prosecutors and to prevent members of the Communist-era security services from entering the judiciary.

There was a widespread perception of corruption within the judiciary, which the government took steps to fight. These efforts included the implementation of random case assignment for judges, and new provisions to limit the ability of supervising prosecutors to reassign criminal investigations or to influence the conclusions of the prosecutor assigned to the case.

There was no parliamentary action in response to a December 2004 complaint by the association of Romanian magistrates asserting that the two positions on the CSM reserved for independent civil society individuals had been filled by the previous government with political partisans. The complaint claimed that the two received the nomination due to their loyalty to the then governing Social Democratic Party (PSD) and in spite of their lack of background, experience, and requisite moral stature.

The law establishes a four-tier legal system, beginning with the lower court (*judicatorie*), followed by the intermediate court (tribunal), the appellate court, and the high court of cassation and justice. A separate constitutional court validates electoral results and makes decisions regarding the constitutionality of laws, treaties, ordinances, and internal rules of the parliament. A prosecutor's office is associated with each court. The court having original jurisdiction over a case is determined by the nature of the offense and by the position a defendant may hold in public service.

Trial Procedures.—Trials are open to the public. The law does not provide for trial by jury. The law provides for a right to counsel and a presumption of innocence until a final judgment by a court. The law requires the government to provide an attorney to juveniles in criminal cases; in practice, local bar associations provided attorneys to the indigent and were compensated by the ministry of justice. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, to confront or question witnesses against them, and to present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Both plaintiffs and defendants have a right of appeal.

The law provides for the investigation by civilian prosecutors of crimes by the national police. Military prosecutors continued to try cases that involve "state security". Crimes by the gendarmerie continued to fall under military jurisdiction. Local and international human rights groups criticized the handling of cases by military courts, claiming that military prosecutors' investigations were unnecessarily lengthy and often inconclusive.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—In July the government passed legislation to improve the process of property restitution, which has moved slowly since the end of communism. The legislation clarified the procedures for restitution and established new application deadlines and fines for officials who hindered the process; and created a property fund of \$4 billion (ROL 120 trillion) for the compensation of owners with properties that cannot be returned in kind. Although the large majority of restitution cases remained unresolved, the pace of restitution increased at year's end as a result of the legislation. Organizations of former owners seeking return of their property also reported that personnel changes in and expansion of the national authority for property restitution (ANRP) increased the pace of processing cases.

Former owners organizations, however, asserted that property restitution remained hindered by inertia at the local level. In many cases, local government officials delayed or refused to provide necessary documents to former owners filing claims. In many cases they also refused to turn over restituted properties in which county or municipal governments had an interest. Former owners stated that the central government, represented at the local level by prefects, did not uniformly apply fines or other sanctions against local governments that failed to provide requested documents or to turn over restituted properties. The ANRP fined 62 mayors between July and year's end for failing to abide by laws on restitution; however, former owners claimed that the actual number of mayors who disobeyed the law was much higher. Former owners also complained of a lack of transparency in the creation of the property fund.

The number of restitution claims submitted increased greatly as a result of the new law. ANRP announced that the government received an additional 600 thousand applications by the close of a November 30 deadline for claims. Of the 210 thousand claims filed before the legislation, ANRP reported that some 60 thousand were resolved by year's end.

There were several high profile properties restituted during the year. In December the government restituted to the Evangelical Church of German Language the buildings of the well-known Bruckenthal Museum in Sibiu county together with its art collections (see section 2.c.).

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 permits the use of electronic interception both in criminal cases and for national security purposes. In exceptional circumstances (when there is a clear and present danger to national security), government institutions may begin interception without a warrant issued by the judiciary. Following this, however, a request for authorization must be submitted within 48 hours.

On two separate occasions in early November, police and security forces conducted raids in a Romani community on the outskirts of Cluj-Napoca. Under the pretext of a search for stolen goods and criminal suspects, police reportedly confiscated pri-

vate property, physically assaulted several Roma, evicted residents by force, detained men at the police precinct for six hours, and eventually burned all of the Romani dwellings. In December NGO Romani CRISS filed a complaint against the police officers for abuse and property destruction at the prosecutor's office in Cluj. The case was under investigation at year's end.

In May, 40 Romani families were evicted in Tulcea although the local court of first instance had not yet ruled on an appeal of the eviction. Eviction of Roma also occurred in Bucharest, Zalau, and other towns. In January eviction proceedings in Bucharest's sector one were cancelled following the intervention of government officials. Approximately 250 Roma evicted in Zalau in February and March were moved to areas with poor or no water supply, heating, electric power, or sewage system. To implement a city plan to renovate Bucharest's historic Lipscani district, the authorities evicted Roma living in the area, providing minimal financial aid and compensation. Although the authorities in many cases offered alternative housing to those evicted, Romani NGOs found the offers inadequate for several reasons: proximity to industrial areas; poor living conditions; or the likelihood of de facto segregation from mainstream society.

According to Romani CRISS, the number of evictions increased during the year, although no official statistics were published.

In August the national council for combating discrimination (CNCD) fined the mayor's office in Miercurea Ciuc approximately \$1,350 (ROL 40 million) for the May 2004 forced eviction of about 140 Roma and their relocation to a hazardous area near a wastewater treatment facility. The Roma lacked alternative housing and continued to reside in that area.

The government took no further steps to resolve other eviction cases that took place in 2004—such as those in Buzau, Galati, and Tulcea—or the 2003 eviction of several dozen Roma squatting on the outskirts of Bucharest's Militari district.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, certain legal prohibitions against “defamation of the country” and “offense to authority” potentially limited these rights, and journalists continued to be prosecuted and convicted for their articles and public statements. Media watchdog groups reported that the media environment improved significantly during the year. Journalists and private citizens could generally criticize the government authorities, including those at senior levels. Violence and threats against journalists dropped substantially, although investigations of incidents from previous years moved slowly.

There were isolated cases of authorities intimidating, censoring, or attacking journalists, though this occurred less frequently than in previous years.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. The offense of insulting authorities is punishable with a fine. In December the government approved an amendment to the law that would eliminate libel as a criminal offense; at year's end the new law had not been enacted by parliament.

In June Marian Oprisan, president of the opposition party PSD's local council, sued journalist Sebastian Oancea of *Ziarul de Vrancea* for libel for an article he wrote about how Oprisan spent public funds. A lower court ordered the journalist to pay \$330 (ROL 10 million), but a higher court rejected this ruling on appeal.

The government collaborated with media and NGO representatives to make the allocation of government-funded advertising more transparent, resulting in legal changes and the creation of a web site dedicated to public advertising. These negotiations followed an October 2004 ruling by the Bucharest appellate court that the government must provide information regarding advertising contracts to the NGO Center for Independent Journalism (CIJ).

The independent media were more active than in previous years, and expressed a wide variety of views without restriction.

Parliamentarians and their political allies owned numerous media outlets in the provinces, and the news and editorial tone of these outlets frequently reflected the views of the owners.

Unlike in previous years, there were no reports that job contracts at some private television stations prohibited journalists from speaking freely about political pressures in news reporting or commentary.

The media reported several cases of journalists who, while videotaping or covering various official events, were assaulted by those being filmed. Such incidents occurred in public places, and the media reported that gendarmes and police frequently did not intervene.

In February a cameraman with Alpha TV in Cluj was attacked by Bodocan Vasile, the mayor of Bontida, while trying to film an interview. The mayor destroyed film equipment worth \$1,200 (ROL 36 million).

In July the mayor of Sighisoara city, Ioan Dorin Danesan, physically and verbally attacked the editor of a local publication during a local city council meeting. Danesan also confiscated the editor's camera and refused to return it. After the event, the editor filed a complaint with the local police but the police failed to follow up on the case.

The NGO Media Monitoring Agency reported that in June several journalists and writers working for *Curierul de Botosani* in Botosani county were threatened by local members of the extreme nationalist Greater Romania Party (PRM). Valentin Guraliuc, PRM representative in the local council, reportedly threatened a journalist's mother with harm to her son if he continued to write about Guraliuc. Another journalist received similar threats by telephone from a man claiming to be associated with Guraliuc.

During the year there were no developments in cases from previous years of violence against journalists.

In October broadcaster Romedia criticized the national audiovisual council (CNA) for banning a television advertisement that featured President Basescu urging people to help raise money for flood victims by buying a bracelet from a local store. CNA justified the ban on the grounds that the commercial gave free publicity to the store where the bracelet could be purchased. CNA's president stated, however, that the president should not receive free political publicity. Romedia asserted that CNA's decision was an abuse of power that constituted a form of censorship. The CNA did not change its decision, and the advertisement was taken off the air.

Although the media climate and perceived level of freedom of expression substantially improved during the year, courts continued to fine journalists in isolated instances for libel. Some authorities banned journalists' access to public information (see section 3).

In February an appeals court in Targu Mures withdrew the accreditation of a *Romania Libera* correspondent in response to stories he wrote criticizing the Targu Mures courts. Following protest from several media organizations citing violations of the right to access public information, the court reversed its decision.

In August the mayor of Ploiesti city, Emil Calota, withdrew the accreditation of a journalist at *Informatia Prahovei* after a city hall press conference during which the journalist voiced dissatisfaction with the mayor. The mayor claimed that the journalist had disturbed the activities of the office.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice. The law provides that unarmed citizens can assemble peacefully, but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of public assemblies must request permits in writing, three days in advance, from the mayor's office of the locality where the assembly will take place.

In May the mayor's office in Bucharest initially turned down a request by ACCEPT, an NGO advocate of lesbian, gay, bisexual, and transgender (LGBT) rights, to hold a "march of diversity," asserting that the city hall could not provide the security necessary for the public assembly. The march was eventually approved after several public figures, including the president and the justice minister, declared that doing otherwise would constitute a human rights violation.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice. The law prohibits fascist, Communist, racist, or xenophobic ideologies, organization, and symbols (such as statues of war criminals on public land). Political parties are required to have at least 25 thousand members to have legal status, a number that some NGOs criticized as being excessively high.

In December seven prominent NGOs, including the Foundation for Open Society and Transparency International, began a campaign against the draft bill on political migration, which would penalize mayors and local officials who change their political party affiliations after being elected. The NGOs asserted that the proposed legislation would violate the constitution and people's fundamental right to choose.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that govern-

ment officials and Romanian Orthodox clergy impeded their proselytizing and interfered with other religious activities.

The government requires religious groups to register; however, there is no clear registration procedure, which made it almost impossible for groups to receive legal status.

The government gives official religious status to 18 religions. Only these recognized religions are eligible to receive state financial support. Recognized religions have the right to establish schools, receive state funds to build churches, pay clergy salaries, subsidize clergy housing, broadcast religious programs on radio and television, apply for broadcasting licenses for denominational frequencies, offer religion classes in public schools, and enjoy tax-exempt status. The government also registered religious groups either as religious and charitable foundations or nonprofit cultural associations.

In January the local council of the village of Pesceana illegally forbade the registration of a Greek Catholic parish and the activity of the Greek Catholic Church in the locality. The police did not react to the Greek Catholics' complaints of verbal and physical abuse by Orthodox villagers and their priest. Eventually, the local police chief was fired. Following a complaint by a group of NGOs, the CNCD decided that the local council's decisions were discriminatory and reprimanded it at the end of August.

The law provides for peaceful religious assembly; however, several minority religious groups again complained that, on various occasions, local authorities and Orthodox priests prevented religious activities from taking place, even when their organizers had been issued permits. The Seventh-day Adventist Church reported difficulties obtaining approval to use public halls for religious activities following pressure by Orthodox priests. In some cases, Orthodox priests incited the local population against activities by the Seventh-day Adventist Church, the Greek Catholic Church, and members of Jehovah's Witnesses. The press continued to report instances of Romanian Orthodox clergy harassing members of other faiths, such as pressuring non-Orthodox school children to attend Orthodox religion classes or not allowing members of religious groups to proselytize near Orthodox churches.

Although most minority religious groups reported that they had received permits to build places of worship without difficulty, some continued to complain that permits were unduly delayed by local authorities.

Several religious groups made credible complaints that, in some instances, local police and administrative authorities tacitly supported sometimes violent societal campaigns against proselytizing. On January 8, several residents in the town of Dofteana physically assaulted a group of visiting Jehovah's Witnesses. When the victims filed a complaint with the local police, the police took no action and told them not to return to the town. On March 23, a similar incident occurred in Dofteana, and the local police explicitly told the Jehovah Witnesses members that they were not there to protect their rights. Between March and May in the town of Pesceana, members of the Greek Catholic Church and their priest were subjected to repeated harassment by local residents, a private security firm, and the local police. In some localities, the activities of religious groups, such as charitable programs in children's homes and shelters, were perceived as being directed at adherents of the Orthodox Church, and conflicts occurred. Members of the Greek Catholic Church, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints, and the Seventh-day Adventist Church continued to report such cases.

A Roman Catholic Csango community repeatedly complained that they were unable to hold religious services in the community in their mother tongue because of the opposition of the Roman Catholic Bishopric of Iasi. In August the Csango community filed a complaint with the CNCD, which decided on October 27 that the act of denying religious services in the maternal language is a restriction on religious freedom. In December the Bishopric challenged the CNCD decision in court. The case had not been resolved by year's end.

Orthodox priests reportedly denied permission to Greek Catholic and Seventh-day Adventist churches to bury members in either religious or secular cemeteries.

Representatives of denominations other than the Orthodox Church were required to ask the permission of the chief chaplain in the ministry of justice to have access to penitentiaries. Some NGOs reported that prisoners were pressured and intimidated to prevent them from changing their religions. In August, in response to a complaint by the NGO APADOR-CH, the CNCD concluded that both the legal provisions on military clergy and the agreement between the ministry of justice and the Orthodox Church regarding religious assistance in penitentiaries are discriminatory. The CNCD recommended that the ministry of justice eliminate the discriminatory provisions from the law as well as the protocol. These provisions had not been eliminated by year's end. In addition, both public and private organizations often

permitted only Orthodox priests to provide religious guidance in the hospitals, children's homes, and shelters for the elderly operated by the groups.

In April the CNCD reprimanded school authorities and the mayor of Mizil for harassing and discriminating against a Jehovah's Witnesses teacher who was also told by the school director he would be dismissed. The mayor alleged that the teacher was proselytizing in school, and two school inspectors asked him to choose between his faith and his job. In April the CNCD also fined the Mizil city hall \$200 (ROL 6 million) for publishing discriminatory articles against Jehovah's Witnesses in the city hall's monthly publication. The city hall and the two inspectors challenged the CNCD decisions, and on November 16, the Mizil court of first instance ruled in their favor based on a procedural flaw and eliminated the fine.

Only officially recognized religions have the right to teach religion in public schools. Attendance in such classes is optional; however, the Baptist Church reported cases of children who were pressured to attend Orthodox religion classes.

The restitution law passed in July permits religious minorities to receive back from the government previously confiscated properties which house school, hospitals, or cultural institutions.

Property restitution was particularly important for the Greek Catholic Church, all of whose properties, including churches, were confiscated during the Communist regime. Most of the Greek Catholic Churches were given to the Romanian Orthodox Church after their forced merger in 1948. The Romanian Orthodox Church resisted their return after the fall of communism. The most recent restitution legislation passed in July failed to address the issue of the Greek Catholic churches. During the year the government made slow progress in restoring these properties. Since 2003 the government restituted to the church only 78 out of 2,207 claims under the law to restore confiscated church property. Twenty-three of the 78 were restored during the year.

In June the parliament passed into law an August 2004 decree permitting the Greek Catholic Church to resort to court action whenever the bilateral dialogue regarding the restitution of churches with the Orthodox Church fails.

On November 20, the Orthodox Church returned a cathedral in Oradea to the Greek Catholic Church after direct pressure exerted by a top official in the government. In general, however, the Greek Catholic Church made very limited progress in recovering properties taken by the Romanian Orthodox Church. To date, the Orthodox Church had returned only a few of the approximately 2,600 Greek Catholic churches and monasteries. A Greek Catholic-Orthodox commission, which had long been ineffective in resolving the problem of the restitution of Greek Catholic churches, almost ceased operation during the year.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, have received several significant properties. The Hungarian churches have received 508 properties since 2003, 170 of which were resolved during the year. Over 1,450 cases were still pending at year's end.

In Oradea, the Reformed Church, municipal office, and the Orthodox Church remained embroiled in a conflict over possession of land used for a playground adjoining the Reformed Church high school. The municipality granted the land to a neighboring Orthodox Church without consideration for the functioning of the school, a move that ethnic Hungarians claimed was deliberately discriminatory against the church. Ethnic Hungarians also claimed the local Orthodox parish intensified the conflict by locking up the playground during the summer and restricting all access.

The new legislation regarding the restitution of both religious and ethnic communal property provided for a broader scope of claimable properties and compensation for demolished buildings. This legislation was beneficial to the Jewish community, which has 1,744 claims outstanding, including many with demolished buildings. By separate government decrees through 2003, the Jewish community received 42 buildings, but is in full or partial possession of only 32 of those. Since 2003 the community received an additional 67 buildings under the law restituting church property, of which 19 were restituted during the year.

Societal Abuses and Discrimination.—According to the most recent census in 2002, the Jewish population numbered 5,785 persons. Acts of anti-Semitism, including vandalism against Jewish sites, continued.

In February four Torah scrolls were stolen from a synagogue in Iasi. The police found them in an antique store and returned them to the Jewish community. In April unidentified persons vandalized the headquarters of the Jewish community in Focsani. In May nine graves were desecrated in a Jewish cemetery in Ploiesti. On May 17, Torah scrolls were vandalized in a synagogue in Radauti. In July unidentified persons stole the iron fences of 50 graves and the metallic doors of 2 burial vaults in Barlad. In August a swastika was found on the walls of an old synagogue

in Cluj. In November the doors of two synagogues in Dorohoi were damaged by putative vandals. The Federation of Jewish Communities notified the authorities in all these cases, but the perpetrators were not identified. An NGO, the Center for Monitoring Anti-Semitism, stated that authorities tended to downplay such incidents, often attributing the acts of vandalism without proof to children, drunkards, or persons with mental disorders.

In October police began an investigation into the dissemination of fascist and xenophobic symbols by one adult and three juveniles. The juveniles had allegedly drawn Nazi symbols on the walls of a synagogue in Targu Mures at the end of September. The police halted the investigation after the suicide of the adult, who had been the primary suspect.

In November swastikas and anti-Semitic slogans were found on the walls of a vocational school and a neighboring bloc of apartments in Suceava. The police identified the perpetrators and their prosecution began the same month.

The extremist press continued to publish anti-Semitic articles. The Legionnaires (Iron Guard), an extreme nationalist, anti-Semitic, pro-Nazi group, continued to republish inflammatory books from the interwar period. In February an Iron Guard monthly *Obiectiv Legionar* (Legionnaire Focus), which began publication in 2003 and is distributed by the state-owned press distribution company, was disseminated by group members in the upper chamber of the parliament.

During the year anti-Semitic views and attitudes were expressed during the talk shows of private television stations such as DDTV and Pro-TV.

Extremists made repeated attempts to deny that the Holocaust occurred in the country or in Romanian-administered territory with direct participation by the country's World War II regime. Religious services for dead *legionnaire* leaders continued to be held in individual Orthodox churches. The annual march commemorating the founder of the *legionnaire* movement, Corneliu Zelea Codreanu, took place in Tancabesti in November.

In March Corvin Lupu, a university professor in Sibiu, published an article denying the Holocaust. In August the Federation of Jewish Communities, MCA Romania, and the Association of Romania's Jewish Victims of the Holocaust filed a complaint with the prosecutor's office in Sibiu against Lupu for denying the Holocaust in the country, citing his violation of a 2002 decree forbidding such actions. In October the prosecutor's office decided against prosecuting Lupu on the grounds that his action could not be interpreted as a crime as defined by the government decree. An appeal filed by the organizations was also rejected in November.

In November a university professor and Holocaust denier published an anti-Semitic article in a magazine belonging to the extreme nationalist Greater Romania Party, *Romania Mare* (Greater Romania). The article claimed that the country was the target of a Jewish invasion. In reaction the Federation of Jewish Communities issued a statement urging the relevant government institutions to take concrete measures to eradicate anti-Semitism and xenophobia, stating that current governmental actions were insufficient.

In September unidentified individuals removed the covering hiding a bust of Romanian World War II dictator Ion Antonescu located in an Orthodox church courtyard in Bucharest. Antonescu was responsible for widespread atrocities against Romanian Jews during World War II. The covering was eventually put back in place following complaints from the local Jewish community.

The government made some progress in its effort to expand education on the true history of the Holocaust in the country. In October the government launched the first standardized textbook on the Holocaust and the history of Jews in the country, which was used in an elective course offered throughout the country during the school year. The government failed to implement any plans, however, to make the course mandatory for all public high schools. The elective course was offered for the first time at two hundred high schools in the 2004-05 school year, but without any standardized textbooks.

On various occasions during the year, the president and other high-level officials made public statements against extremism, anti-Semitism, and xenophobia, and criticized the denial of the Holocaust. The president also pointed out during a speech the need for an accurate rendering of the Romanian Holocaust in school curricula.

In August the government established a national institute for the study of the Holocaust in Romania, which opened on October 10. On October 9 and 10, the country commemorated its second Holocaust remembrance day with events in several cities that were attended by key dignitaries including the president, prime minister, and foreign minister.

In October the president vetoed and sent back to parliament a 2002 emergency provision that strictly bans fascist, racist, and xenophobic organizations, and pun-

ishes the denial of the Holocaust. Because the provision passed parliament as an emergency decree in 2002, the president must sign the decree for it to become a permanent part of the code. The president said he objected to language in the bill that did not include Roma among the acknowledged victims of the Holocaust, since approximately 14 thousand Roma were killed in the country during that period. He asked parliament to amend the bill to include language explicitly including the Roma.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

In July the government temporarily implemented a policy of passport confiscation for citizens discovered upon reentering the country to have exceeded their permitted length of stay in an EU Schengen country. Human rights NGOs and the media protested that the rule effectively curbed a citizen's right to travel freely outside the country. The government rescinded the decision four days later. However, in the interim it had revoked the passports of 65 thousand citizens; the passports had not been reissued by year's end.

Internally Displaced Persons (IDPs).—Beginning in late April, thousands of homes were destroyed, and approximately 12,500 persons were displaced by 6 periods of heavy rain that caused severe localized flooding in 34 of 42 counties, covering approximately 80 percent of the country. Most displaced families found temporary shelter with relatives and friends. For others, local authorities offered housing in public buildings such as schools or community centers. The government allocated resources for reconstruction in most affected areas. At year's end, an estimated 1,300 displaced persons continued to live in container-houses.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution; however, the Office of the UN High Commissioner for Refugees (UNHCR) considered the time limits provided by the law for submitting appeal applications and court procedures too short.

The government did not provide temporary protection to individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol.

Conditional humanitarian protection was granted in court to six persons during the year. Two of the three Sudanese Christian refugees who had entered the country in 2001 but were denied refugee status several times were granted refugee status in January and June. The third Sudanese refugee was presumed to have left the country.

In July the government agreed to allow on a temporary basis 439 Uzbek refugees from Kyrgyzstan to enter the country without a visa for humanitarian reasons. The government signed an agreement with the UNHCR and the International Organization for Migration (IOM) to permit the refugees to stay at a suitable facility in Timisoara for up to six months (with the possibility of an extension, if necessary).

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR stated that government-sponsored programs for integrating refugees continued to improve following the 2004 refugee integration law. A new agency within the national refugee office, which is subordinated to the ministry of interior, was established to help refugees integrate and seek employment in their communities. The MOAI and the ministry of labor, social solidarity, and family also funded programs to assist asylees and refugees.

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

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

Elections and Political Participation.—The country held national selections for parliament in November 2004, and for the presidency in December 2004. The parliamentary and first round of presidential elections were characterized by widespread irregularities, precipitated primarily by the previous government's decision to abandon the use of previously issued electoral identification cards and to allow

citizens outside their home districts to vote at any polling location in the country. There were widespread reports of individuals voting in multiple locations, which political parties occasionally facilitated. Observers also reported the abuse of the so-called mobile ballot boxes that were transported to elderly or infirm voters; the prolonged presence of elected officials in polling places in contravention of the law; and the illegal placement of campaign posters near polling centers. Civil society organizations and opposition parties also claimed that the central electoral bureau allowed fraud to take place at a national level during the electronic tabulation of votes, although subsequent inquiries into these allegations were inconclusive.

In the second round of presidential elections in December 2004, the government limited the locations where voters outside of their home districts could vote, thereby reducing the possibility for multiple voting. However, both the lack of sufficient alternate locations and the closure of existing locations while many would-be voters were still waiting in line resulted in the disenfranchisement of hundreds and perhaps thousands of citizens, particularly in major cities. Members of the center-right Liberal-Democratic (PNL-PD) Alliance accused the then governing PSD of intentionally restricting the vote in this manner. In some precincts local officials or partisan election monitors instructed citizens on how to vote, and campaign posters were placed too close to polls.

Political parties must register with the Bucharest tribunal. The law requires a political party to submit to the Bucharest tribunal its statutes and program, and a roster of at least 25 thousand signatures. These 25 thousand "founding members" must be from at least 18 counties, including Bucharest, with a minimum of 700 people from each of these counties. The party statutes and program may not include ideas that incite war; discrimination; hatred of a national, racist, or religious nature; or territorial separatism. Organizations of ethnic minorities can also field candidates in elections if they meet requirements similar to those for political parties. Organizations must submit to the central electoral bureau a list of members numbering at least 15 percent of the total number of persons belonging to that ethnic group, according to the most recent census. If 15 percent represents more than 25 thousand persons, then at least 25 thousand names from at least 15 counties, but not fewer than 300 persons from each county, must be submitted. Human rights NGOs criticized these requirements as discriminatory and overly demanding, and argued that the stringent requirements eliminated any competition against the mainstream organizations representing Hungarians and Roma, namely the Democratic Alliance of Hungarians in Romania (UDMR) and the Romani Party (Partida Romilor). The tribunal barred an ethnic Hungarian group from participating in the 2004 elections when irregularities were found in many of the 25 thousand signatures it submitted in order to field candidates.

While the law does not restrict women's participation in government or politics, societal attitudes presented a significant barrier. In parliament 37 of 332 deputies and 13 of 137 senators were women. There were 3 female ministers in the 24-member cabinet. Three of the prefects (governors) of the 42 counties were women.

The law grants each recognized ethnic minority one representative in the chamber of deputies if the minority's political organization cannot obtain the 5 percent of the votes needed to elect a deputy outright. Organizations representing 18 minority groups received deputies under this provision. There were 50 members of minorities in the 469-seat parliament. There were four members of minorities in the 24-member cabinet; all were ethnic Hungarians. There were no minorities on the high court.

Ethnic minority groups reported encountering difficulties in meeting the criteria to be allowed to field candidates, although there were no specific laws or policies prohibiting such groups from registering. In March 2004 parliament passed a law on local elections that potentially discriminated against some minority organizations by defining "national minorities" as only the ethnic groups represented in the council of national minorities and by requiring that these organizations meet requirements to participate in local government that are more stringent than those of minority groups already represented in parliament. The law adopted in September 2004 for national elections included a similar provision.

The Romani population was underrepresented since only one ethnic Romani organization, the Romani Party, was represented in parliament, and its number of members was small. Internal politics within the ethnic Romani community was fragmented because of the large number of Romani organizations whose individual efforts prevented the consolidation of votes for any single candidate, organization, or party. There were several hundred Romani organizations. Low Romani voter turnout due to lack of awareness, means, or identity cards further exacerbated the situation.

Ethnic Hungarians, represented by the UDMR party, attained parliamentary representation through the normal electoral process, having obtained over 5 percent of

the total votes. Other ethnic Hungarian associations have alleged that their attempts to register as opposing ethnic Hungarian parties were unfairly blocked by the more influential existing party.

Government Corruption and Transparency.—Reports of corruption and the government response to corruption remained a focus of public discussion, political debate, and media scrutiny. The government took steps to address the problem of corruption. In March the government adopted and began implementing a new strategy to combat corruption, which included steps to increase transparency in public procurement, ensure oversight of government spending, and enforce new laws and procedures to combat money laundering and tax evasion. However, NGOs and the media continued to point out that no major case of high-level corruption had been prosecuted to date.

The institution responsible for investigating and prosecuting high-level corruption cases was the PNA, whose name was changed by legislation passed in August to the national anticorruption prosecutor's department (DNA). The same legislation also placed the DNA under the nominal authority of the prosecutor general's office, although it remained operationally independent. This change was made to ensure the office would have clear constitutional authority to prosecute cases against members of parliament. The legislation also amended the DNA's jurisdictional limits to cases involving bribes of more than 10 thousand euros or damages over 200 thousand euros, or to certain designated officials whose rank is too high to be prosecuted by the GPO. Ministry of justice officials noted that this amendment would improve the DNA's performance by focusing its efforts on the most serious cases of corruption, while leaving minor cases under the purview of the general prosecutor's office.

In July PNA general prosecutor Ioan Amarie resigned under pressure from the minister of justice, and 10 other senior anticorruption prosecutors either resigned or were removed. The minister of justice accused the departing officials of inefficiency in carrying out their mandates and appointed Daniel Morar as Amarie's replacement in August. The minister also appointed other new senior level prosecutors to the office.

Although the PNA/DNA produced no indictments against former or current officials at the most senior levels of government, the office did successfully prosecute cases against mayors, judges, police, customs officers, and other officials at the local level and in the middle ranks of the bureaucracy. During the year the PNA/DNA initiated 1,104 investigations, which resulted in 110 indictments against 742 individuals. The office obtained 169 convictions, including 75 that cannot be further appealed.

The PNA/DNA was authorized to prosecute corruption without regard to the political affiliation of the accused. Opposition politicians, however, alleged that investigations of high officials tended to focus on members of former administrations, contributing to questions about the office's impartiality.

On November 25, the department for the fight against fraud (DLAF) officially opened an investigation into the fraudulent use of EU funds. During the first month of the investigation, DLAF sent 17 cases to the DNA that involved the misuse of EU funds by members of the government.

Part of the government's new strategy to combat corruption included strengthening asset disclosure requirements for public officials. New legislation created templates for public officials to use to disclose their assets. However, only 4 percent of public officials submitted asset declarations. At year's end, the ministry of justice was continuing to work on legislation to create a monitoring authority to ensure officials submit accurate asset declarations.

The law provides for access to government information related to official decision-making; however, human rights NGOs and the media reported that the law was poorly and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. On numerous occasions NGOs and journalists took cases to court to obtain information.

There were also reports that local authorities occasionally made it difficult for journalists to access public information. In at least one instance, a polling institution was reportedly coerced by government officials to limit the public release of information that reflected negatively on certain political groups or goals.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, there were a few reports of government officials harassing and intimidating members of the NGO community.

At times police intimidated and harassed NGO workers. For example, in June and July a Romani representative of the NGO Roma Center for Social Intervention and Studies (Romani CRISS) allegedly was repeatedly harassed by police and city hall officials as he monitored an ongoing eviction case against Roma in Zalau (see section 1.f.). The representative received repeated threatening phone calls, was visited by police at his home, and was informed falsely of criminal charges against him. Romani CRISS asserted that the harassment was clearly intended to intimidate the representative and prevent him from further monitoring the case.

Following its publication of a report on the expenditures of members of parliament, the institute for public policies (IPP) stated in August that it received threatening letters from the secretary general of the chamber of deputies, as well as from members of parliament, who threatened to take legal action against the IPP.

An ombudsman's office existed to protect citizens' constitutional rights but it has limited power and independence from the government. Numerous media reports characterized the office as ineffective. During the year the office received 5,465 complaints, some of which it refused because they required judicial action, an authority the ombudsman's office does not possess.

Both chambers of parliament have a human rights committee that focuses on legislation regarding human rights, religious issues, and minorities. However, since these committees were comprised of party representatives, the recommendations of the committees often simply reflected the parties' views on these issues.

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

The law forbids discrimination based on race, gender, disability, ethnicity, language, or social status, among other categories; however, in practice, the government did not enforce these provisions effectively in some circumstances, and women, Roma, and other minorities were often subject to discrimination and violence.

Women.—Violence against women, including spousal abuse, continued to be a serious problem, and the government did not effectively address it.

The law prohibits domestic violence and allows police intervention in such cases, but no specific law addresses spousal abuse. NGOs reported that domestic violence was common. According to a 2002 UN survey, 45 percent of women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. The law does not provide sentencing guidelines for domestic violence convictions. According to police statistics, domestic violence during the year resulted in over 30 deaths. Although there was no evidence that the police or the judicial system was reluctant to act on domestic abuse cases, very few cases were prosecuted in the courts. Many cases were resolved before or during trial when victims dropped their charges or reconciled with the aggressors. In cases with strong evidence of physical abuse, the court can ban the abusive spouse from returning home. The law also permits police to fine the abusive spouse for disturbing public order. During the year there were over 380 convictions for domestic violence.

During the year the National Domestic Violence Coalition, composed of more than 30 NGOs, organized a number of campaigns to raise awareness of domestic violence. The government funded 26 public institutions that provided counseling and support to domestic abuse victims. In addition, 52 NGOs from all regions worked on domestic violence. There were several shelters dedicated strictly to domestic abuse victims, but many of them were forced to close due to insufficient funding. The government distributed funds to NGOs operating shelters for domestic violence victims in Cluj, Timisoara, and Baia Mare.

Rape, but not spousal rape, is illegal. The prosecution of rape cases was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment by marrying the victim. The successful prosecution of spousal rape cases was essentially impossible. The law provides for 3 to 10 years' imprisonment for rape; the sentence can increase to 5 to 18 years if there are aggravated circumstances. There were 327 rape convictions during the year. NGOs provided counseling and shelters for rape victims.

Prostitution is illegal, but was common. Police implicitly tolerated most reported or investigated cases by limiting their intervention to fining prostitutes for loitering or disturbing the peace. NGOs and the media reported that sex tourism existed in Bucharest and other major cities.

There were reports of trafficking in women (see section 5, Trafficking).

The law prohibits any act of gender discrimination, including sexual harassment. Although there were no reported cases of sexual harassment during the year, human rights NGOs attributed this to low public awareness of the problem. The government enforced existing prohibitions, but there were no effective programs in place to educate the public about sexual harassment.

The law grants women and men equal rights, including under family law, property law, and in the judicial system; however, in practice, the government did not enforce these provisions, nor did authorities focus attention or resources on women's issues. Women had a higher rate of unemployment than men and occupied few influential positions in the private sector. An EU report published in August indicated that a man's average salary was 18 percent higher than that of a woman.

The national agency for family protection, within the ministry of labor, social solidarity, and family, is responsible for advancing women's concerns and family policies, including organizing programs for women, proposing new laws, monitoring legislation for sexual bias, targeting resources to train women for skilled professions, and addressing the problems of single mothers. During the year the agency completed its strategy and action plan and developed a training curriculum for social workers. In collaboration with a private pharmacy chain, the agency conducted an awareness campaign on domestic violence in November.

Children.—The government was committed to children's rights and welfare, but competing priorities, bureaucratic inefficiency, and poorly allocated resources prevented this commitment from being fulfilled in practice.

Public education was free and compulsory through the tenth grade or age 14. After the tenth grade, schools charged fees for books, which discouraged attendance for lower-income children, particularly Roma. The UN Children's Fund (UNICEF) reported that approximately 90 percent of primary school-age children attended school.

The highest level of education achieved by most children was secondary school, although Romani students had lower rates of attendance at all levels of education.

Romani children were segregated from other students in some schools, including those in Cehei (Salaj county), Targu Frumos (Iasi county), Geoagiu (Hunedoara county), Ardusat (Maramures county, and Targu Jiu (Gorj county). In April 2004 following complaints by several NGOs that monitored such situations, the ministry of education nominally prohibited segregation in schools in a notification that was not legally binding; Romani NGOs unsuccessfully tried to press for an order to this effect. Only some of these cases were solved, such as the one in Cehei, in which the CNCJ fined the school authorities who subsequently renounced the segregation decision. In September in Macin (Tulcea county), the prefect intervened after a local advocate for the Roma submitted a complaint and threatened to fine all teachers who tried to segregate Romani children at the beginning of the school year.

A general health insurance plan covers all children until age 18 or graduation from college. All schools have medical units which supply first aid and carry out vaccination campaigns and dental care. Boys and girls had equal access to medical care in schools. All medical costs for children are waived, and most drugs are provided at little or no cost. Of the 11,035 persons living with HIV/AIDS, approximately 75 percent are children between the ages of 15 to 19 years of age who were infected in the late 1980s and early 1990s through unsafe blood transfusions and other medical procedures.

Child abuse and neglect were serious problems, and public awareness of the issue remained poor. Laws to protect children from abuse and neglect existed, but the government did not effectively enforce them. In July 2004 the National Authority for Child Protection and Adoption issued standards for services for abused and neglected children. Still, there was no functioning mechanism for identifying and treating abused and neglected children and their families. While there are criminal penalties, there was no consistent policy or procedure for reporting child abuse and neglect and no system for rehabilitating families who abuse their children. In 2004 police reported that 1,331 cases of abused and neglected children were registered, including 832 cases of rape, 284 cases of sexual intercourse with a minor, 114 cases of sexual perversion, and 101 cases of sexual corruption. At year's end there were 39 hot lines to receive and assess reports of child abuse and neglect and 22 specialized counseling services for child victims and their families. In the first four months of the year, the hot lines received 1,766 calls reporting child abuse and neglect. The legal prohibition on foreign adoption and a constant rate of child abandonment in hospitals strained government resources. During the year UNICEF reported that the number of children abandoned annually in hospitals was approximately five thousand.

The abandonment of children in maternity hospitals remained a problem. The national authority for the protection of children's rights in coordination with the ministry of health made some progress in discouraging child abandonment through prenatal counseling and training of hospital personnel. However, children's rights NGOs and local child welfare officials reported that these efforts were insufficient to resolve the continued high number of abandonment cases, resulting in many chil-

dren being kept in hospitals despite not needing medical treatment because family reintegration or foster placement was not available.

On January 1, the country implemented new child protection legislation that included extensive measures intended to address corruption in the child welfare system and to encourage the reunification of abandoned and orphaned children with their biological families. However, NGOs and child protection authorities reported that judges, police, and social workers severely lacked the training and resources necessary to implement the legislation. As a result, thousands of children remained institutionalized or in foster care rather than reunited with biological families or legally approved for adoption when family reunification was not possible. There were credible reports of attempts to force family reunification for abandoned or orphaned children in cases in which biological family members explicitly stated they did not want the children or in which there was a high risk of child abuse in the new situation.

The public child welfare system tracked approximately 106 thousand children. More than half of these children lived with extended families or in foster care, and approximately 32 thousand lived in public and private institutions. Living conditions have improved in most childcare institutions in recent years, including in institutions for children with severe disabilities, which were the last group to be included in the reform process. Nonetheless, NGOs and local child welfare officials reported that, despite the improvements in conditions in institutions, the new child welfare law relegated many children to prolonged institutionalization or foster care rather than placement in permanent families. There was no systematic provision of labor market information, skills training, or job placement services for children in residential care, and there was a high probability that they would gravitate to the streets, vulnerable to sexual exploitation and crime.

The legal age of marriage is 18 years of age, but girls as young as 15 may marry in certain circumstances. Illegal child marriage was common within certain social groups, particularly the Roma. There were no government programs to address child marriages.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking). There also were isolated cases of children involved in prostitution for survival without third party involvement.

A law that became effective in January requires the national agency for employment to provide up to 75 percent of the median national salary to employers for hiring persons between 16 and 25 years who are at risk of social exclusion, a category which includes youth reintegrating into society after time spent in state-care facilities or prison; young single or married parents; and other categories of youth at risk. The new law provides that youth leaving the state institutional system may receive state assistance for an additional two years, during which they receive skills training for independent living. However, fewer than one thousand youth directly benefited from this program during the year.

The abandonment of disabled children decreased steadily in recent years, as specialized rehabilitation services for children with disabilities became slightly more available. There were approximately 70 thousand children with disabilities, of which 15 thousand were in state care.

Child labor was a problem (see sections 5, Trafficking, and 6.d.).

While the government did not have official statistics on the scope of homeless children living on the streets, police, social workers, and NGOs estimated that between three thousand and five thousand children lived on the streets, depending on the season. According to a UNICEF report, issued in November in conjunction with the ministry of health and the former national authority for child protection, about nine thousand children were abandoned every year, with most going to institutions and foster homes.

In March the government approved six national programs for the protection of children's rights, as stipulated by the national strategy on child rights protection. The programs focused on the social and professional integration of youth leaving the state care system; the development of day services; the reintegration and support of repatriated and trafficked children; the prevention of child labor; the establishment of professional maternal assistance; and the creation and development of community social services to support family cohesion. NGOs implemented these programs with governmental funding from the national budget.

Trafficking in Persons.—The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. Border police were involved in border-related offenses that could support trafficking activities. The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive persons for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, being a subject in pornography, organ theft, or other con-

ditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

In July the law was amended to provide for 5 to 15 years' imprisonment for trafficking in minors or for multiple victims; if a victim suffers serious bodily harm or health problems; or if the trafficking is done by a public servant during his or her official duties. A sentence of 5 to 25 years is mandated for trafficking that leads to the death or suicide of the victim. These penalties are increased by two to three years if the trafficker belongs to an organized crime group and by five years if coercion is applied against minors.

The government increased its efforts against trafficking, and police officers continued to pursue cases via the human trafficking task force. They continued to expand interagency and local resources assigned to trafficking, and the government participated in regional law enforcement cooperation. In December the government created the national antitrafficking agency (ANAT) to replace the functions of the national office for the prevention of trafficking in persons and monitoring the protection of victims. Created to coordinate antitrafficking measures, the ANAT was not yet operational at year's end. During the year the organized crime police reported identifying 1,444 victims of trafficking offenses, and the border police referred 104 cases to prosecutors; these cases involved 212 traffickers and 287 victims. According to statistics compiled by the national office for the prevention of trafficking in persons and monitoring the protection of victims, the courts rendered final decisions in 96 trafficking cases, and 183 defendants were sentenced for trafficking-related offenses during the first nine months of the year.

The country was an origin and transit point for trafficked women and girls from Moldova, Ukraine, and other parts of the former Soviet Union who were trafficked for the purpose of sexual exploitation to third countries including Bosnia-Herzegovina, Serbia and Montenegro (including Kosovo), Macedonia, Turkey, Albania, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, Spain, the United Arab Emirates, Japan, and South Korea. Due to changing trafficking patterns, IOM noted that it was not possible to estimate accurately the number of trafficked women. Recent trends indicated that traffickers rented private apartments, rather than using public bars and brothels, to conduct their illicit activities. Clandestine locations complicated the already difficult task of finding the victims and allowed traffickers to operate with less concern of discovery by local authorities. In 2003 and 2004 fewer victims were trafficked to the former Yugoslavia and a higher number of victims were trafficked to Western Europe. However, trafficking routes generally ran from the border with Moldova to all Balkan countries. Iasi and Timisoara remained major transit centers. While victims were primarily women and girls trafficked for sexual exploitation, there were reports that men were trafficked to Greece for agricultural labor.

Government officials reported that trafficking rings appeared to be operated primarily by citizens; several domestic prostitution rings were also known to be active in trafficking victims into, through, and from the country.

The IOM reported assisting 100 trafficking victims, of whom all were female and 26 were minors. A number of NGOs believed that many girls from orphanages were at particular risk of being trafficked because they lacked the job skills and training necessary to support themselves independently. Most victims were women trafficked for sexual exploitation who had been recruited by persons they knew or by newspaper advertisements. A friend or relative made the initial offer, often telling the victim that she would obtain a job as a baby sitter or waitress. According to IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women was sold into prostitution by parents or husbands or kidnapped by trafficking rings. There were reports of young Romani women and girls being sold into marriage, a traditional custom in Romani communities.

Trafficking victims endured poor, cramped living conditions. Traffickers ensured the victims' compliance through threats, violence, and the confiscation of travel documents.

In November police in Targoviste charged a 50-year-old man and his 24-year-old female accomplice with trafficking following an 8-month police investigation prompted by the report of a female victim who managed to escape.

Corruption in the police, particularly the local forces, was a problem that contributed to trafficking in persons. There were frequent allegations that border police and customs agency officials accepted bribes to ignore cases of trafficking. After three months of undercover investigations, a policeman and two accomplices from Cluj county were arrested in June for the organized trafficking of children to rings in Italy. Several notaries were also reportedly involved with the creation of false documents used for crossing borders.

The law requires the government to protect trafficking victims, but does not stipulate what forms this protection must take. Reports of law enforcement officials losing contact with identified victims were common. Other identified victims reportedly chose not to press charges to avoid bureaucratic judicial procedures. Although the government trained border police to encourage victims to step forward, few victims were willing to do so. There were reports that repatriated victims faced social discrimination in their attempts to reintegrate into society.

The government made attempts to assist repatriated victims. As of June seven governmental shelters for trafficking victims out of the nine required by law were opened; even so, the shelters were underutilized, in part because no standardized system for referring victims was mandated. Only 60 victims were assisted by these shelters during the year. Although the law obligates law enforcement officials to inform victims of the services available at government-operated shelters, many victims chose to decline these services.

During the year the government worked to build public awareness of trafficking issues and to improve and expand the services offered to victims. The government cosponsored with domestic and international NGOs numerous programs to raise awareness of trafficking. Public officials, including the president, made public statements during the year about the trafficking problem.

The national authority for the protection of children's rights, together with the antidrug national agency and territorial general directorates for social assistance and children's protection, created a mechanism to monitor child labor that was operational in several cities at year's end. The project focused on setting up a system of services for the protection, rehabilitation, and social reintegration of child victims of domestic and international trafficking. Since August 60 children vulnerable to human trafficking and 140 children involved in the worst forms of child labor were referred to social services and monitored.

Persons with Disabilities.—The law prohibits discrimination on the basis of "handicap"; however, the extent to which this provision protected all persons with mental and physical disabilities was unclear, and the government did not effectively enforce this provision in practice. The law does not mandate accessibility for persons with disabilities to buildings and public transportation. In practice, the country had few facilities specifically designed for persons with disabilities.

There were approximately 20 thousand persons with disabilities in 150 specialized institutions throughout the country.

An Amnesty International (AI) report released in March expressed concern that the placement, living conditions, and treatment of patients in several psychiatric wards and hospitals violated international human rights standards. The report condemned the government for the inhumane living conditions in its overcrowded psychiatric institutions and urged the government to reform the psychiatric health system. In October AI published another report that highlighted the continued lack of protection against abuse of mentally disabled persons. The UN special rapporteur on the right to health and the European Parliament also expressed concerns about the inadequate resources devoted to the care and protection of persons with disabilities.

Following appeals and interventions by international organizations, conditions at the Poiana Mare hospital improved, and heating was fully restored to the buildings. However, the NGO Center for Legal Resources (CLR) issued several reports indicating that government measures to improve psychiatric wards were still insufficient. The placement, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and fell below professional norms. Most psychiatric hospitals had poor hygiene, insufficient heating, and insufficient food rations. They were also overcrowded, with up to 60 persons in a room, and lacked a mechanism for complaints in cases of abuse.

The ministry of health adopted a mental health action plan, which included provisions regarding persons with mental disabilities. NGOs, however, asserted that the plan was not sufficient to protect persons with mental disabilities. The creation of community-based mental health care services remained inadequate.

In January Dolj county prosecutors closed an investigation into the February 2004 malnutrition and hypothermia deaths of 18 psychiatric patients in a Poiana Mare hospital. No officials were held responsible for the deaths. CRJ challenged the prosecutors' decision in court, and the lawsuit was ongoing at year's end. In November the ministry of health announced plans to close the hospital, but delayed full closure due to protests by hospital employees afraid of losing their jobs.

According to a report released by the Open Society Institute in September, only 28 percent of the approximately 52 thousand children with mental disabilities received any form of education because most remedial schools did not accept children

with serious mental disabilities. The report also cited a lack of job opportunities for persons with disabilities.

In July 2004 parliament amended the existing legislation on special protection and employment of persons with disabilities. During the year the government increased benefits for blind persons and for persons with serious disabilities. In June the government organized a job fair that reportedly offered 6,800 jobs for persons with disabilities, 795 of which required higher education.

National/Racial/Ethnic Minorities.—The CNCD is an independent governmental agency that reports directly to the prime minister's office. The CNCD received 382 public complaints of discrimination during the year, of which 280 were resolved. In 74 cases, CNCD acted without a complaint having been submitted; 48 were resolved by year's end. Approximately 158 of the cases involved alleged discrimination on the basis of nationality and ethnicity; 14 complaints reported discrimination on religious grounds.

The CNCD gained visibility following the appointment of a new president in February, becoming more active in several awareness campaigns and in the investigation of a wide variety of discrimination cases. In February the council initiated a long-term institutional capacity-building project, and in August it participated in a high-profile campaign to paint over discriminatory graffiti on the walls of buildings in Bucharest. In October it launched a campaign to prevent and counter prejudice against Roma. Throughout the year it played a leading role, along with four NGOs, in drafting language for the proposed antidiscrimination law. However, several NGOs expressed concern that the government had allocated insufficient resources for the CNCD to carry out its mandate, particularly in areas outside of Bucharest.

Ethnic Hungarians are the largest minority, comprising 1.4 million persons according to the 2002 census. There are also approximately 60 thousand ethnic Ukrainians, 60 thousand ethnic Germans, and other minorities in smaller numbers. In the Moldova region where the Roman Catholic Csango minority resides, the community has operated government-funded Hungarian-language school groups since 2002; 725 students in 13 localities were instructed in Hungarian during the academic year. Students also participated in extracurricular courses in Hungarian, and 93 students received fellowships to study in Hungarian in other localities.

A 2004 European Commission report estimated that the Romani population numbered between 1.8 and 2.5 million persons, although the official 2002 census reported the significantly lower number of 535 thousand. In October Amnesty International published a report that highlighted as a major problem the racially motivated violence perpetrated by both individuals and law enforcement authorities against the Romani population. Romani groups complained that police brutality, including beatings and harassment, was routine (see section 1.c.). In November police forcibly beat and evicted Roma from their homes (see sections 1.c. and 1.f.). Societal violence and discrimination against Roma remained a pervasive problem.

According to an analysis of the 2002 census by the Romani NGO Impreuna (Together), approximately 35 percent of the Romani population had not graduated from primary school. Illiteracy among Roma was 25.6 percent, and approximately 60 percent were unemployed. Romani children were segregated from other students in some schools (see section 5, Children).

In November a court ruled in favor of the Steaua soccer team, which had appealed an earlier court decision that the team had encouraged the use of anti-Roma hate language during an April 13 game. The CNCD had originally fined the team approximately \$1,350 (ROL 40 million) after its fans chanted anti-Roma slogans and carried anti-Roma banners against the Rapid team, which has many Romani fans. Separately, the CNCD also fined the stadium announcer approximately \$670 (ROL 20 million) for making racist comments during the same game.

In August tensions escalated in Hadareni—a locality in Transylvania that was the site of deadly violence in 1993 between Roma and ethnic Romanian and Hungarian villagers—following a court ruling in a domestic lawsuit and two ECHR decisions. Four people (three Roma and a Romanian) died in the incident, and 13 Romani houses were burned down by an angry mob following the fatal stabbing of a young Romanian by a Romani man. The lawsuit in this case dragged on for years, and the victims eventually complained to the ECHR. In May a domestic relations court decided that the Romani victims should receive approximately \$68 thousand (ROL 2 billion) from the perpetrators, while the ECHR ruled on July 5 and 12, that the Romanian state should pay \$600 thousand (500 thousand euros) to victims. A decision to seize the property of those who had to pay the \$68 thousand compensation generated tensions in the village and villagers appealed. The court postponed the ruling many times and had not made a decision at year's end.

Romani CRISS continued to monitor cases of alleged human rights violations in 10 counties and Bucharest. During the first 9 months of the year, human rights

monitors identified 19 cases of violence or abuse against Roma, including police abuse and segregation in schools.

In July the government appointed a new president to the national agency for Roma, which hired an additional dozen staff members. Observers reported that the agency had been largely inactive during the first half of the year and that its budget of approximately \$1.1 million (ROL 32 billion) was insufficient. In July the government made the agency responsible for spearheading and organizing programs related to Roma issues. The agency also drafted a community development plan to improve the prospects of the Roma in Hadareni. In August the national agency for Roma collaborated with the national job agency to set up a "job caravan" that traveled to different Romani communities and offered job opportunities. The agency also offered training to Romani representatives working in its regional offices and promoted a discussion of the national strategy to improve the circumstances of the Romani community.

Romani CRISS also renewed its partnership with the MOAI to help Roma obtain official identification documents and expanded the program to five counties. Lacking identification documents significantly hindered Roma from gaining access to employment, education, and health care, and made voting and buying property prohibitively difficult.

In November construction companies contracted to rebuild houses in a poor Romani neighborhood in Ibanesti reportedly refused to work in that community. The minister of public works intervened and requested that officials in Galati county find a construction company willing to undertake the project.

In August the CNCD fined the mayor of Miercurea Ciuc, Robert Raduly, approximately \$165 (ROL 5 million) for setting the Hungarian language as a requirement for the people seeking to be employed in some positions at the city hall.

Other Societal Abuses and Discrimination.—NGOs reported that police abuse and societal discrimination against homosexuals was common (see section 1.c.) and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community also voiced concerns about discrimination in public education and health care systems, and about the possibility that young LGBT persons were being involuntarily referred to psychiatric institutions based on their parents' decisions.

During the "march of diversity" gay parade held in Bucharest on May 29, an unidentified person assaulted an actor who was filming for his weekly show, mistaking him for a participant in the event. The New Right (Noua Dreapta), an organization with extremist and xenophobic views, sponsored an authorized demonstration during the parade, carrying anti-gay banners and chanting deprecatory slogans. Some members of the New Right also physically assaulted participants in the parade. The police arrested and fined the New Right leader, Tudor Ionescu, and the other assailants approximately \$1 thousand (ROL 30 million).

The law prohibits discrimination against persons living with HIV/AIDS. The national union of the organizations of persons affected by HIV/AIDS (UNOPA) issued two monitoring reports for the year based on interviews with persons living with HIV/AIDS. For the period between January and March, UNOPA reported that 438 out of approximately 1,000 individuals interviewed had encountered human rights violations; this figure included 156 cases of denied access to medical care on the pretext of medicine shortages at the hospital level, 269 cases of delays in the provision of subsidized food and social welfare allowances, and 8 cases of breach of confidentiality. For the period between April and September, UNOPA reported that 795 out of 2,407 individuals interviewed had encountered human rights violations.

During the year the government cooperated with international organizations to implement a national AIDS strategy by conducting conferences and disseminating brochures to raise public awareness of the disease.

Section 6. Worker Rights

a. The Right of Association.—All workers, except certain public employees, have the legal right to associate freely and to form and join labor unions without previous authorization, and they freely exercised this right. Ministry of defense, MOAI, and intelligence personnel are not allowed to unionize. The majority of workers were members of 1 of approximately 18 national trade union confederations and smaller independent trade unions. Approximately 55 to 60 percent of the workforce was unionized, according to union officials.

The right to form unions generally was respected in practice, and many employers have created enterprise-friendly unions. Many unions claimed that the government interfered in labor negotiations, trade union activities, collective bargaining, and strikes, and complained that the union registration requirements stipulated by law were excessive.

The law has specific provisions against union discrimination, which were generally respected.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides workers the right to bargain collectively, but government control of many industrial enterprises and the absence of independent management representatives at these entities hindered collective bargaining. Approximately 80 percent of the total workforce was covered by collective labor contracts at the branch and unit levels. Contracts resulting from collective bargaining were not consistently enforced. The wages of public employees are guided by a minimum wage stipulated by law and a pay scale specific to each ministry that is based on that ministry's annual budget.

While the law permits strikes by all workers except judges, prosecutors, related ministry of justice staff, ministry of defense, MOAI, and intelligence service employees, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and if employers have been given 48 hours' notice. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare strikes illegal. In June, for the first time, the courts declared a strike legal. Companies may claim damages from strike organizers if a court deems a strike illegal.

There are no exemptions from regular labor laws in the country's 6 free trade zones and 31 disadvantaged zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor remained a problem. Although a 2004 law to protect children from exploitation went into effect January 1, the government did not consistently enforce the measure in practice.

The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in hazardous conditions. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. In practice, however, many children were reported to occasionally forego attending school while working on family farms, especially in rural areas and in Romani communities. Children aged 15 to 18 may work no more than 6 hours per day, provided that their school attendance is not affected. An employer may hire minors only between 2pm and 6pm. Parents violating child labor law may be punished with either monetary fines of up to \$200 (ROL 6 million) or imprisonment of 2 months to 7 years. However, the government did not consistently apply these provisions, claiming that the punishment would further harm children in certain cases. During the year the government imposed fines on only 52 sets of parents and sentenced none to prison. Factories were implicated in most cases of child labor exploitation and were also fined.

During the year inspections identified 135 children between 15 and 18 years of age and 12 children under age 15 working without legal documents.

On January 1, the protection and promotion of the rights of the child law went into force following its 2004 passage. The law includes a full section on the protection of children against economic exploitation. The law requires schools to immediately notify social services of children missing classes to go to work. Social services are authorized to work with schools to reintegrate the child into the educational system. The government also promoted awareness-raising and information campaigns to target children, potential employers, and the general public.

In January the government established the national authority for protection of children's rights under the ministry of labor, social solidarity, and family. The national authority can impose fines and close factories for child labor exploitation, but enforcement tended to be lax except in extreme cases, most notably those that attracted media attention. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted during the year under any of the child labor laws.

Children were trafficked for the purpose of sexual exploitation (see section 5).

An international report released in November estimated that 3.9 million of the 5.6 million children in the country were "economically active." Over 300 thousand (approximately 7 percent) were "child laborers," working without any contractual arrangements in agriculture or low-skilled jobs, while 900 thousand (19 percent) worked in their own households, especially in rural areas. Approximately 300 thou-

sand (6 percent) were engaged in physically demanding work, while 70 thousand (approximately 1 percent) were victims of the “worst forms of child labor,” including hazardous work, sexual exploitation, forced labor, trafficking, or criminal activity. This last category included more than 3 thousand “street children,” the majority of whom lived in Bucharest. Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in Romani communities; children engaged in such activities could be as young as five years old. There was official recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor. The ANPDC was in the process of establishing a coordination center with a hot line in Bucharest to address the number of street children.

During the year the government allocated \$430 thousand (ROL 12.7 billion) to NGOs to implement two national interest programs to combat trafficking in children and child labor.

e. Acceptable Conditions of Work.—The minimum monthly wage of approximately \$105 (ROL 3.1 million) did not provide a decent standard of living for a worker and family. Minimum wage rates generally were observed and enforced by the ministry of labor, social solidarity, and family.

The law provides for a standard workweek of 40 hours or 5 days, with overtime paid for weekend or holiday work, or work in excess of 40 hours, which may not exceed 48 hours per week averaged over one month. The law requires a 24-hour rest period in the workweek, although most workers received 2 days off per week. The ministry of labor, social solidarity, and family effectively enforced these standards.

On June 5, a new law increased the penalties for work performed without a labor contract in an attempt to protect employees and institute controls in both the formal and informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to \$34 thousand (ROL 1 billion).

Neither the government nor industry improved workplace health and safety conditions. The ministry of labor, social solidarity, and family had the authority to establish and enforce safety standards for most industries, but its lack of trained personnel inhibited its enforcement efforts. Employers often ignored the ministry's recommendations, which were usually only applied after an accident occurred. Workers have the right to refuse dangerous work assignments but seldom invoked it in practice.

RUSSIA

The Russian Federation has a weak multiparty political system with a strong presidency, a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The pro-presidential United Russia party controlled more than two-thirds of the State Duma. The country had an estimated population of 143 million.

President Vladimir Putin was re-elected in March 2004 in an election process the Organization for Security and Cooperation in Europe (OSCE) determined did not adequately reflect principles necessary for a healthy democratic election, particularly in equal access to the media by all candidates and secrecy of the ballot. However, the voting itself was relatively free of manipulation, and the outcome was generally understood to have represented the will of the people. The government's human rights record in the continuing internal conflict in and around Chechnya remained poor. Both federal forces and their Chechen government allies generally acted with legal impunity. The civilian authorities generally maintained effective control of the security forces. Pro-Moscow Chechen paramilitaries at times appeared to act independently of the Russian command structure, and there were no indications that the federal authorities made any effort to rein in their extensive human rights abuses.

The most notable human rights development during the year was continued centralization of power in the executive branch, which was strengthened by changes in the parliamentary election laws and a move away from election of regional governors to their nomination by the president for confirmation by regional legislatures. This trend, taken together with continuing media restrictions and self-censorship, a compliant State Duma, continuing corruption and selectivity in enforcement of the law, political pressure on the judiciary, and harassment of some non-governmental organizations (NGOs) resulted in an erosion of the accountability of government leaders to the people. There were reports of the following additional significant human rights problems:

- alleged government involvement in politically motivated abductions, disappearances, and unlawful killing in Chechnya and elsewhere in the North Caucasus
- hazing in the armed forces, resulting in several deaths
- harassment, and in some cases, abduction, of individuals who appealed to the European Court of Human Rights (ECHR), reportedly to convince them to drop their cases
- torture, violence, and other brutal or humiliating treatment
- harsh and frequently life-threatening prison conditions
- corruption in law enforcement
- arbitrary arrest and detention
- alleged executive branch influence over judicial decisions in certain high-profile cases
- government pressure that continued to weaken freedom of expression and media independence, particularly of major national networks
- continued limitations, primarily by local authorities, on freedom of assembly and restrictions on some religious groups in some regions
- societal discrimination, harassment, and violence against members of some religious minorities
- restrictions on freedom of movement and migration
- negative official attitudes toward, and sometimes harassment of, certain NGOs involved in human rights monitoring
- violence against women and children
- trafficking in persons
- widespread governmental and societal discrimination as well as racially motivated attacks against ethnic minorities and persons from the Caucasus, Central Asia, Asia, and Africa
- instances of forced labor

There were also positive developments with regard to human rights. The judiciary demonstrated greater independence in a number of cases. Reforms initiated in previous years continued to produce improvements in the criminal justice system. The authorities sought to combat instances of racial and ethnic mistreatment through prosecutions of groups and individuals accused of engaging in this behavior. Progress was also made in combating trafficking in persons.

Anti-government forces committed numerous human rights abuses in the internal conflict in Chechnya. They continued killing and intimidating local heads of administration. There were also reports of Chechen rebel involvement in both terrorist bombings and politically motivated disappearances in Chechnya and Ingushetiya during the year. Some Chechen rebels were allegedly involved in kidnapping to raise funds. There were also reports that explosives improvised by Chechen rebels often led to civilian casualties.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by the government or its agents, but there continued to be credible reports that federal armed forces engaged in unlawful killings in Chechnya. The use of indiscriminate force in areas of Chechnya with significant civilian populations resulted in numerous deaths (see section 1.g.). The security forces generally conducted their activities with impunity, but courts addressed a few incidents. For example, the Supreme Court overturned the acquittals of Captain Eduard Ullman and three other servicemen charged with killing six Chechen civilians in 2002 and ordered new trials. Lower courts had already acquitted the defendants twice, most recently in May. According to reports a retrial began in December and was continuing at year's end. At least one other serviceman was convicted on similar charges.

During the year the Ministry of Defense reported 16 deaths resulting from “non-statutory relations,” a phrase used to describe situations in which officers or sergeants physically assaulted or humiliated their subordinates. Many observers complained that there was little accountability for such offenses. NGOs received numerous reports of such incidents. There were also reports linking suicides in the military to hazing (see section 1.c.).

Prison conditions were frequently life-threatening (see section 1.c.).

Government forces and Chechen fighters continued to use landmines extensively in Chechnya and Dagestan. According to estimates by the UN Children's Fund (UNICEF) 3,037 victims were killed or wounded by landmines or unexploded ordnance in Chechnya since 1995. Over the last year, UNICEF noted a decline in the number of such incidents, attributed to increased awareness on the part of local inhabitants.

There were a number of killings of government officials throughout the country, some of which may have been connected with the ongoing strife in the North Caucasus or with politics. For example, Zagir Arukhov, the minister of nationalities, external relations, and information in the Republic of Dagestan, was assassinated on May 20 when a bomb exploded as he entered his apartment building. Deputy Prosecutor General Fridinskiy reported that, as of May 2004, Chechen rebels had killed 11 local administration heads since the antiterrorist operation in Chechnya began in 1999.

The press and media NGOs reported that journalists were killed during the year for reasons that appeared to be related to their work (see section 2.a.).

Violent and sometimes fatal attacks by skinhead groups were a problem. On November 13, Timur Kacharava, a university student and a member of an anti-fascist youth movement, was stabbed to death. Approximately 10 to 15 people attacked Kacharava and a friend in St. Petersburg. His friend survived the attack and was hospitalized with serious injuries. Kacharava's friends stated that the attackers were members of a neo-Nazi group that had previously attacked Kacharava. Observers believed that the attack may have been motivated by his activism in the youth anti-fascist movement. In December the authorities reported progress in the investigation of Kacharava's death. According to different sources, 5 to 11 people were arrested and five of them confessed to taking part in the attack. One of the suspects reportedly confessed that he stabbed Kacharava in the neck. All the arrested individuals allegedly claimed that they were members of a skinhead group.

As of year's end there were no indications that suspects had been apprehended in the June 2004 killing of hate-crimes expert Nikolay Girenko. His colleagues believed that the motive for the killing was Girenko's activity as an official expert witness in a number of high-profile court cases involving ethnic and religious issues.

No progress was reported in the investigation of the 2003 killing of Yuriy Shchekochikhin, a member of the State Duma and deputy editor of the newspaper *Novaya Gazeta*. At the time of his death, Shchekochikhin had begun to investigate allegations of Federal Security Service (FSB) responsibility for a series of 1999 apartment building bombings.

In June two of the initial six defendants were found guilty of terrorist acts and sentenced to 20 and 23½ years in jail in a case involving the 1998 killing of Galina Starovoytova, a prominent State Duma deputy. The other four defendants were released. At year's end hearings were still ongoing for two additional defendants who were identified later in the investigation. The individual who ordered the killing has not been identified.

In June the Supreme Court rejected an appeal by the parents of Dmitriy Kholodov, military affairs correspondent for the daily newspaper *Moskovskiy Komsomolets*, who was killed in 1994. Kholodov's killing was believed to have been associated with his investigation of corruption in the military. The parents had appealed a March 14 decision by the Military Collegium of the Supreme Court to uphold a June 2004 acquittal of the defendants. Initial litigation began in 2000 (see section 2.a.).

During the September 2004 terrorist attack on a school in Beslan, North Ossetia, at least 330 hostages were killed. At least half of them were children (see section 1.g.).

Chechen rebels assassinated Chechen president Akhmed Kadyrov in May 2004, killed numerous civilian officials and militia associated with the federally appointed Chechen administration, and threatened to kill Kadyrov's successor Alu Alkhanov, who was elected in August 2004 (see section 1.g.). Chechen fighters killed a number of federal soldiers whom they had taken prisoner (see section 1.g.). Many other individuals were kidnapped and then killed in Chechnya during the year (see sections 1.b., 1.c., and 1.g.); both sides to the conflict, as well as criminal elements, were involved in those activities. Authorities often attributed bombings and other attacks on police or civilian officials in Dagestan and other areas in the southern part of the country to Chechen "bandits."

Societal violence against members of national, ethnic, and racial minority groups resulted in a number of killings (see section 5).

b. Disappearance.—There were reports of government involvement in politically motivated disappearances in Chechnya and Ingushetiya, although the number of

disappearances declined as compared to 2004. There were also reports of disappearances of individuals who had appealed court cases to the ECHR (see section 1.g.).

Criminal groups in the Northern Caucasus, possibly having links to rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. The hostage-takers held many of their victims in Chechnya or Dagestan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were credible reports that law enforcement personnel frequently engaged in torture, violence, and other brutal or humiliating treatment or punishment to coerce confessions from suspects and that the government did not consistently hold officials accountable for such actions. Although prohibited in the constitution, torture is defined neither in the law nor the criminal code. As a result, the only accusation prosecutors could bring against police suspected of such behavior was that they exceeded their authority or committed a simple assault.

Cases of physical abuse by police officers usually occurred within the first few hours or days of arrest. Some of the methods reportedly used were: beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (at times filled with mace); electric shocks; or suspension by body parts (for example, suspending a victim from the wrists, which are tied together behind the back). Allegations of abuse were difficult to substantiate because of limited access by medical professionals. There were credible reports that both government forces and Chechen fighters in Chechnya tortured detainees (see section 1.g.).

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin or who appeared to be from the Caucasus, Central Asia, or Africa, and at Roma. For example in June 2004 the press reported that in Novosibirsk 4 policemen were arrested on suspicion of extorting over \$1 million (28 million rubles) from a Romani family by kidnapping and torturing family members until their demands were met. The policemen were reportedly later tried and convicted.

Police reportedly harassed defense lawyers by calling them in for questioning regarding their conversations with their clients and continued to intimidate witnesses (see section 1.e.).

In December 2004 in the course of a massive “crime prevention” crackdown in the town of Blagoveshchensk, Bashkortostan, police and masked OMON troops (members of a special police detachment) detained over one thousand persons; the police beat many of them. According to human rights activists who carried out an investigation of the events, at least 32 of those detained had to seek medical help afterward. Individuals were apprehended on the streets, in their homes, and in their places of business and brought to the cellar of the police headquarters building in Blagoveshchensk. Bashkortostan authorities claimed that the police actions were in response to a “crowd of rowdies” who had attacked a police patrol. On August 1, the Bashkortostan prosecutor’s office filed a case against eight officials on the charge of abuse of office. Defendants included the chief of Blagoveshchensk police and the OMON unit commander. Preliminary hearings opened on September 14 and went on until November 17. The first substantial hearing took place on November 18. Defense attorneys said the court case could continue until 2008. Most of the defendants continued working in their positions. In May human rights groups said that during their investigation of these events they discovered instructions, which they linked to the federal Ministry of Internal Affairs (MVD), granting police the authority to use extreme force and set up detention centers in the event of large-scale protests. In December hecklers disrupted a meeting between human rights activists and some of the individuals beaten in Blagoveshchensk; at least one of human rights activist accused the authorities of being linked the disruption.

Various abuses against military servicemen, including but not limited to the practice of *dedovshchina* (the violent, at times fatal, hazing of new junior recruits in the armed services, MVD, and border guards) continued (see section 1.a.). Press reports cited serving and former armed forces personnel, the Main Military Prosecutor’s Office (MMPO), and NGOs monitoring conditions in the armed forces as indicating that such mistreatment often included the use of beatings or threats of increased hazing to extort money or material goods. Government officials announced that approximately 25 percent of the 11,500 crimes committed in the army during 2004 were related to hazing. On May 24 the main military prosecutor stated that in 2004 246 servicemen committed suicide and that many of these deaths were linked to hazing. According to defense ministry figures, there were 218 suicides through October 2005. As of October, the Moscow Committee of Soldiers’ Mothers registered 700 complaints from conscripts, mostly related to beatings. Servicemen also complained about sexual abuse, torture, and enslavement. Soldiers often did not report hazing

to either unit officers or military prosecutors due to fear of reprisals, since in some cases officers reportedly tolerated or even encouraged such hazing as a means of controlling their units. Officers reportedly also used beatings to discipline soldiers.

Hazing reportedly was a particularly serious problem in units that had previously served in areas of military conflict.

Both the Union of Soldiers' Mothers Committee (USMC) and the MMPO received numerous reports about "nonstatutory relations," in which officers or sergeants physically assaulted or humiliated their subordinates. Despite the acknowledged seriousness of these problems, the leadership of the armed forces made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse.

During the year federal and pro-Moscow Chechen forces, as well as Chechen rebel forces, violated the human rights of civilians, inflicting widespread civilian casualties, abductions, and other abuses (see section 1.g.).

Prison and Detention Center Conditions.—Prison conditions remained extremely harsh and frequently life-threatening. The Ministry of Justice's (MOJ's) Federal Service for the Execution of Sentences (formerly the Main Division for the Execution of Sentences) administered most of the penitentiary system centrally from Moscow. The FSB ran the Lefortovo pretrial detention center in Moscow and seven other pretrial detention centers. There were five basic forms of custody in the criminal justice system: police temporary detention centers; pretrial detention facilities, known as investigation isolation facilities (SIZOs); correctional labor colonies (ITKs); prisons designated for those who violate ITK rules; and educational labor colonies (VTKs) for juveniles. As of July 1, approximately 797,500 persons were in the custody of the criminal justice system, including 48,600 women and 14,500 juveniles. On December 16, the MOJ reported that the number of the people held in custody in 2005 exceeded 800 thousand. In most cases juveniles were held separately from adults.

In 2004 according to official statistics approximately two thousand persons died in SIZOs. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press reported on individuals who were mistreated, injured, or killed in various SIZOs. Some of the reported cases indicated habitual abuse by officers.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated very harshly, with little or no protection provided by the prison authorities.

Penal institutions frequently remained overcrowded, but there were reports of some improvements. For example, while many penal facilities remained in urgent need of renovation and upgrading, some reports indicated that these facilities were closer to meeting government standards, which include the provision of four square meters per inmate.

Inmates in the prison system often suffered from inadequate medical care; however, there were some signs of improvement. The Public Council in the MOJ reported that during the 3 years ending in 2004, the number of sick prisoners and detainees decreased by 27 percent. According to the MOJ, as of September 1, 2005, there were approximately 49 thousand tuberculosis-infected persons and 31 thousand HIV-infected persons in SIZOs and correction colonies. Tuberculosis infection rates were far higher in detention facilities than in the population at large. The Moscow Center for Prison Reform (PCPR) reported that conditions in penal facilities varied among the regions.

Conditions in SIZOs, where suspects were held until the completion of a criminal investigation, trial, sentencing, or appeal, remained extremely harsh and posed a serious threat to health and life. However, conditions within different SIZOs varied considerably. Health, nutrition, and sanitation standards remained low due to a lack of funding. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease. According to the Federal Prison Service, the total of detainees in the system increased by 31 thousand as of September 1. As a result, facilities originally designed to house 130 thousand held approximately 157 thousand suspects.

ITKs held the bulk of the nation's convicts. As of September 1, there were 633,500 inmates in 762 ITKs, which provided greater freedom of movement; however, at times, guards humiliated, beat, and starved prisoners to break down their resistance. The country's "prisons"—distinct from the ITKs—were penitentiary institutions for those who repeatedly violated the rules in effect in the ITKs.

The 62 VTKs held juvenile prisoners from 14 to 20 years of age. As of July 1 there were 62 such institutions. Conditions in the VTKs were significantly better than in the ITKs, but juveniles in the VTKs and juvenile SIZO cells reportedly also suffered

from beatings and rape. The PCPR reported that such facilities had a poor psychological atmosphere and lacked educational and vocational training opportunities. Many of the juveniles were from orphanages, had no outside support, and were unaware of their rights. While juveniles were generally held separately from adults, there were two prisons in Moscow where children and adults were not separated and boys were held with adults in small, crowded, and smoky cells. Schooling in the prisons for children was sporadic at best.

In August the NGO For Human Rights reported that it had been able to monitor prisons in 40 of the country's 89 regions; however, according to the group's executive director, it has become increasingly difficult for domestic observers to monitor prison conditions in the last five years. Beginning in September 2004, authorities refused to grant the International Committee of the Red Cross (ICRC) access, under ICRC's standard criteria, to those detained as part of the conflict in Chechnya, and the ICRC subsequently suspended its detention visits.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, they remained problems.

Role of the Police and Security Apparatus.—The MVD, the FSB, and the Office of the Prosecutor are responsible for law enforcement at all levels of government. The FSB's core responsibilities are security, counterintelligence, and counterterrorism, but it also has broader law enforcement functions, including fighting crime and corruption. The FSB operated with limited oversight by the office of the prosecutor general and the courts.

The national police force, which falls under the MVD, is organized on the federal, regional, and local levels. Although regulations and national laws prohibit corrupt activities, corruption was widespread and with few crackdowns on illegal police activity. The government reportedly addressed only a fraction of the crimes that federal forces committed against civilians in Chechnya (see section 1.g.). Although government agencies, such as the MVD, have continued to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments, the security forces remained largely unreformed.

There were credible reports that security forces continued regularly to single out persons from the Caucasus for document checks, detention, and the extortion of bribes (see section 2.d.). According to NGOs, federal forces and pro-Moscow Chechen militias commonly detained Chechen men at checkpoints along the borders between Chechnya and Ingushetiya in targeted operations known as "night raids," or during "mopping-up" operations following military hostilities. Detainees were often beaten or tortured. Human rights groups also reported that security forces increasingly detained women.

Arrest and Detention.—Under the law an individual may be taken into custody for 48 hours without court approval if arrested at the scene of a crime, provided there is evidence of the committed crime on the individual's person or in his house or when the crime victims or witnesses identify the person as a perpetrator. Otherwise, a court-approved arrest warrant is required. According to statistics provided by the Supreme Court's Judicial Department in 2004, courts approved approximately 91 percent of arrest requests from law enforcement authorities. A detainee is then typically taken to the nearest police station where a detainee should receive a warning of his rights, and police are obliged to write an official protocol signed by the detainee and the police officer within three hours of detention, which states the grounds for the detention. The police must interrogate the detainee within the first 24 hours, but prior to the interrogation the detainee has the right to meet with an attorney for 2 hours. No later than 12 hours after a detention, the police must notify the prosecutor and the detainee's relatives about the detention unless a prosecutor's warrant to keep the fact of detention secret is obtained. The detainee must be released after 48 hours, either subject to bail conditions or on their own recognition, unless a court decides to keep the person in custody in response to a motion filed by the police no later than 8 hours before the expiration of the 48 hour detention period. The defendant and his/her attorney must be present at the court hearing.

The law specifies that within two months of a suspect's arrest, police should complete their investigation and transfer the file to the prosecutor for arraignment, although a court may extend the criminal investigation for up to six months in "complex" cases. With the personal approval of the prosecutor general a judge may extend that period up to 18 months.

These limitations on detention were generally respected; however, there were reports of occasional violations of the 48-hour time limit following an arrest. Most frequently, the authorities failed to write the official protocol of detention within three hours after the actual detention and held suspects in excess of detention limits. In

addition there were reports that the police obtained defense counsels friendly to the prosecution. These “pocket” defense counsels allowed interrogation of their clients. The general ignorance of legal rights by both citizens and their defense counsels contributed to the persistence of these violations. The government continued to engage in public education programs to inform citizens of their rights and responsibilities under the law, such as the right to a lawyer and the obligation to serve on juries. The Council of Judges together with the Supreme Court and the Russian Information Agency Novosti continued an educational program called “Public Trust” that explained the work of the judicial system and citizens’ rights.

Judges suppressed confessions of suspects whose confessions were taken without a lawyer present. They also freed suspects who were held in excess of detention limits, although they usually granted prosecutors’ motions to extend the detention period for good cause. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court deemed inadequate grounds.

Some regional and local authorities continued to use provisions of the code to arrest persons for expressing views critical of the government. Human rights advocates in some regions were charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see section 2.a.).

There were several reports of political detainees at various times during the year. Despite significant reforms in law enforcement in recent years, instances in which the government apparently pursued selective prosecution against political adversaries raised concerns over the arbitrary use of the judicial system. For example many observers considered the arrest, detention, and conviction on charges of fraud of prominent businessman Mikhail Khodorkovskiy to be an illustration of this problem, regardless of his guilt or innocence on the specific charges. In the months before his arrest in 2003, Khodorkovskiy had reportedly supported organizations, political parties, and media critical of the Putin administration. However, other observers believed that the case was driven by economic rather than political motives. Some human rights groups considered Svetlana Bakhmina, a lawyer who worked for Yukos Oil Company (Yukos), to be a political detainee. She was arrested in December 2004 on fraud charges and held without bail. Several organizations expressed concern about reports regarding Bakhmina’s lack of access to her family and medical treatment while in custody. Some observers stated that she was being held in an attempt to pressure Dmitriy Golobov, her former boss at Yukos, to return from London. On September 5, a Moscow city court ruled that she could be held in detention until October 7. In October her trial began in Moscow, and the case was ongoing at year’s end. Many observers saw the treatment of Bakhmina as linked to the Khodorkovskiy case.

On two occasions the authorities held relatives of a wanted Chechen rebel leader, apparently attempting to force his surrender. Eight relatives of Chechen leader Aslan Maskhadov were abducted in December 2004. On May 31, seven of them were released, several weeks after Maskhadov was killed on March 8. The human rights NGO, Memorial, reported that the detainees were held in an unfurnished concrete cell with a single window. They were allowed to exit the cell only to go to the toilet. They were never interrogated nor charged with any crime. An eighth relative, Movladi Aguyev, was reportedly charged with being a member of an illegal armed group. Witnesses to the initial detention believed the abductors were members of the forces under command of the Chechen Deputy Prime Minister Ramzan Kadyrov (see section 1.g.).

In May, according to Memorial, Chechen security forces seized relatives of Chechen commander Doku Umarov, including his 70-year-old father, his wife, and his 6-month-old son. They later released the wife and child, but the father’s location remained unknown. According to the Chechen Ministry of Interior, unknown gunmen abducted Umarov’s sister, Natasha Khumadova, in August. At year’s end there was no further information on the whereabouts of Umarov’s relatives.

In September 2004 several of Maskhadov’s and Chechen terrorist Shamil Basayev’s relatives were taken into what authorities claimed to be protective custody during the Beslan school seizure, although human rights groups said this action was intended as retaliation for the seizure of the school; they were released shortly after the end of the school seizure. Domestic and foreign human rights observers criticized an October 2004 suggestion by the prosecutor general that a policy of seizing the relatives of hostage-takers would reduce the incidence of hostage taking.

Beginning in September 2004, authorities refused to grant the International Committee of the Red Cross (ICRC) access, under ICRC’s standard criteria, to those de-

tained as part of the conflict in Chechnya, and the ICRC subsequently suspended its detention visits.

An international NGO delegation that visited two psychiatric hospitals in 2004 noted that there was no judicial process for commitment that provided individuals subject to commitment with the right to appear before a court for a determination of the legality of their commitment.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and there were a number of indications of judicial independence; however, the judiciary did not consistently act as an effective counterweight to other branches of the government. The law provides for strengthening the role of the judiciary in relation to the prosecutor general by requiring judicial approval of arrest warrants, searches, seizures, and detentions (see section 1.d.). Judges allegedly remained subject to influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases. While judges' salaries have increased significantly, the judiciary remained susceptible to corruption. Judges accepted bribes from officials and others. From 2001 to 2004, 196 judges were fired for unprofessional behavior, 513 received "warnings," 12 were convicted of criminal offences. One NGO specializing in issues of corruption estimated that in 2005 judges received \$209 million (5.9 billion rubles) in bribes annually for favorable rulings.

Authorities did not provide adequate protection from intimidation or threats from powerful criminal defendants.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. An arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the State. The federal constitutional court (as well as constitutional courts in a number of administrative entities of the Russian Federation) constitutes the third branch.

The president approves judges after they have been nominated by the qualifying collegia, which are assemblies of judges (including some public members). After a three-year trial period, the president must reconfirm the judges. Judicial watchers have alleged that the executive's role in approving and reconfirming judges has ensured an increasingly pro-Kremlin judiciary. The collegia also have the authority to remove judges for misbehavior and to approve prosecutors' requests to prosecute judges.

Justices of the peace deal with criminal cases involving maximum sentences of less than three years and with some civil cases. In some regions where the system has been fully implemented, justices of the peace assumed 65 percent of federal judges' civil cases and up to 32 percent of their criminal matters. Justices of the peace worked in all regions except Chechnya and Nenetskiy Autonomous Okrug.

Trial Procedures.—Trials typically are conducted before a judge without a jury. The defendant is presumed innocent. The defense is not required to present evidence and is given an opportunity to cross-examine witnesses and call defense witnesses. Defendants who are in custody during the trial are confined to a caged area and must consult with their attorneys through the bars in whispers. Defendants have the right of appeal.

The law provides for the nationwide use of jury trials for a limited category of "especially grave" crimes, such as murder, in higher-level regional courts. These jury trials constituted approximately 1 percent of all criminal trials in 2004. By January 1 all regions except Chechnya implemented jury trials, and Chechnya is scheduled to introduce jury trials in 2007. In contrast to trials conducted by a judge, 0.7 percent of which ended in acquittal in 2004, approximately 15 percent of cases tried by juries ended in acquittals, although one-quarter of those acquittals were later reversed on appeal.

Prior to trial, defendants are provided a copy of their indictment, which describes the charges in extensive detail. They are also given an opportunity to review the criminal file following the completion of the criminal investigation. Defense attorneys are allowed to visit their clients in prison, although prison conditions reportedly make it difficult for the attorneys to conduct meaningful and confidential consultations with their clients.

The law provides for the appointment of a lawyer free of charge if a suspect cannot afford one; however, this provision often was not effective in practice. The high cost of competent legal representation meant that lower-income defendants often

lacked competent legal representation. There were no defense attorneys in remote areas of the country. Public centers, staffed on a part time basis by lawyers, continued to offer free advice on legal rights and recourse under the law; however, they were not able to handle individual cases. In August the government issued regulations to govern an experimental program creating state legal aid offices in ten regions to operate on an experimental basis beginning in January 2006.

According to the NGO the Independent Council of Legal Expertise, defense lawyers were the targets of police harassment. Professional associations at both the local and federal levels reported police efforts to intimidate attorneys and cover up their own criminal activities. In March 2004 Yevgeniy Baru, lawyer for Khodorkovskiy's codefendant Platon Lebedev, was attacked after a visit with his client. Baru reported that prison officials, including the warden, confiscated written and printed materials from his briefcase. In April 2004 five men who reportedly shouted, "You got what you're asking for. No more speeches [in court] for you," knocked human rights lawyer Stanislav Markelov unconscious on the Moscow metro. After regaining consciousness, Markelov discovered that his mobile phone containing the phone numbers of his clients, his lawyer's license card, and other identity documents and case files were missing, but his money had not been stolen. Amnesty International (AI) expressed concern that he was targeted due to his work on behalf of victims in several human rights cases that relate to Chechnya. On September 23, Robert Amsterdam, a member of Khodorkovskiy's international legal team had his visa revoked by the authorities and had to leave the country.

Authorities abrogated due process in continuing to pursue several espionage cases involving foreigners who allegedly obtained information considered sensitive by security services; in some instances prosecutors pursued such cases after earlier courts had rejected them. The proceedings in some of these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believed that the FSB was seeking to discourage citizens and foreigners from investigating problems that the security services considered sensitive.

In February the FSB detained Oskar Kaibyshev on charges linked to exporting sensitive technological information to South Korea while working as a research scientist. Several scientific panels stated that the information Kaibyshev gave the South Koreans was not subject to export controls. The espionage charges initially brought against Kaibyshev were later dropped, but he still faced other criminal charges related to the case. Kaibyshev was later charged with unsanctioned export of technologies and theft. Court hearings opened in Ufa on October 31 behind closed doors. The trial was ongoing at year's end.

Political Prisoners.—Many human rights organizations stated that Igor Sutyagin was a political prisoner, and the representatives of various domestic human rights organizations also characterized several other individuals, such as Valentin Danilov, Mikhail Khodorkovskiy, Platon Lebedev, Zara Murtazaliyeva, and Mikhail Trepashkin, as political prisoners.

On May 31, Mikhail Khodorkovskiy and co-defendant Platon Lebedev were convicted on six charges of fraud, tax evasion, and embezzlement and sentenced to 9 years in prison after an 11-month trial. Khodorkovskiy's conviction was upheld on appeal on September 21, with the sentence reduced to eight years. Both Khodorkovskiy and Lebedev continued to appeal their convictions. The arrest and conviction of Khodorkovskiy raised concerns about the rule of law, including the independence of courts, the right to due process, the sanctity of contracts and property rights, and the lack of a predictable tax regime. Many observers believed that Khodorkovskiy's conviction was the most recent of a number of politically-motivated moves against wealthy "oligarchs" who represented centers of actual or potential political and media opposition to the president. Some observers believed that despite the possibility that the charges against Khodorkovskiy may have had some merit, he was selectively targeted for prosecution because of his own politically-oriented activities and as a warning to other oligarchs against involvement in political affairs or providing financial support to independent civil society. In October the authorities transferred Khodorkovskiy to a prison in Chita Oblast and Lebedev to a prison in Yamalo-Nenetskiy Autonomous Okrug. In December Lebedev's defense team filed an appeal stating that sending him to a prison that was not in the area where Lebedev lived or was sentenced violated Russian law. Some human rights activists have objected to sentencing both men to prisons that were not in the area where they lived or were sentenced.

The May 2004 conviction of Mikhail Trepashkin, who had been a consultant to a parliamentary commission investigating possible FSB involvement in a series of 1999 apartment bombings, gave further cause for concern about the undue influence of the FSB and arbitrary use of the judicial system. The bombings were officially

blamed on Chechens and served as partial justification for the government's resumption of the armed conflict against Chechen fighters. Trepashkin, an attorney and former FSB official, was arrested in 2003 and charged with disclosing state secrets and with illegal possession of a handgun and ammunition. The Moscow circuit military court sentenced him to four years of forced labor, but he was not expected to start serving his term until the conclusion of a hearing on the handgun charge. The trial reconvened in December 2004. Trepashkin's arrest came a month after his charges of FSB responsibility for the bombings were cited in a book and a week before he was scheduled to represent the relatives of a victim of one of those bombings. On April 15, a Moscow court found Trepashkin guilty of illegal possession of a handgun and added one year to his four-year term, although this additional ruling was later reversed on appeal. At the end of July, Trepashkin began serving his prison term in Nizhniy Tagil. On August 19, Trepashkin appealed for an early release from prison, and on August 29, a Nizhniy Tagil court granted him early release. On September 16, however, a Sverdlovsk regional court overturned the August 29 ruling. On September 22, according to reports, Trepashkin was again taken into custody. He was sent back to the Nizhniy Tagil prison camp. A new hearing on his early release was held on November 24, and the Nizhniy Tagil court turned down his application for release on parole. Trepashkin's attorneys had an appeal pending before the Sverdlovsk regional court at year's end. In a letter to State Duma deputy Yevgeniy Roizman, Trepashkin said he feared for his life since he was kept together with convicts who had committed capital crimes. In other statements, Trepashkin said that he was receiving no treatment for his severe asthma and that he was concerned about his health.

In June 2004 the Supreme Court overturned the 2003 jury acquittal of Valentin Danilov, who had been charged with spying for China while working on a commercial contract. In November 2004 Danilov was convicted by a judge and sentenced to 14 years. On June 29, the Supreme Court reduced his sentence to 13 years. Danilov has an appeal before the Supreme Court and the ECHR. In August he was transferred from a pretrial detention center to a prison.

In August the Supreme Court rejected an appeal by Igor Sutyagin, a disarmament researcher with the US and Canada Institute, against his conviction for espionage related charges. Prosecutors accused Sutyagin of passing classified information about the country's nuclear weapons to a London-based firm, but the Kaluga regional court ruled in 2001 that the evidence presented by the prosecutor did not support the charges brought against him and returned the case to the prosecutor for further investigation. In April 2004 a Moscow city court found Sutyagin guilty and sentenced him to 14 years in a maximum security facility (the sentence included time served since his arrest in October 1999). Sutyagin claimed the decision was unjust and insisted that he had no access to confidential information. Some observers agreed that he had no access to classified information and described the severe sentence as an effort to discourage citizens from sharing sensitive information with professional colleagues from other countries. Russian government officials asserted that Sutyagin had wittingly or unwittingly entered into a paid arrangement with a foreign intelligence service. Because of the conduct of the trial and lengthy sentence, a number of domestic and international human rights NGOs raised concerns that the charges were politically motivated. At year's end Sutyagin was allegedly in a penal facility in Arkhangelsk Oblast and his attorneys were reportedly appealing the move.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision; however, authorities did not always observe these provisions. The law permits the government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. While these provisions were generally followed, problems remained. There were accounts of electronic surveillance by government officials and others without judicial permission, and of entry into residences and other premises by Moscow law enforcement without warrants. There were no reports of government action against officials who violated these safeguards.

On September 1, the press reported that the government, citing concerns about terrorism, approved new regulations, which were scheduled to come into effect on January 1, 2006, for interactions between communication companies and certain government agencies. The new regulations would give law enforcement agencies greater access to telephone and cellular phone company clients' personal information and require providers to grant the MVD and FSB 24-hour remote access to their client databases. Some experts believed these new rules contradict the constitution.

Internet service providers are required to install, at their own expense, a device that routes all customer traffic to an FSB terminal, called the "System for Operational Investigative Measures." However, there appeared to be no mechanism to prevent unauthorized FSB access to the traffic or private information without a warrant. The FSB was not required to give telecommunications companies and individuals documentation on targets of interest prior to accessing information.

Human rights observers continued to allege that officers in the special services used their services' power to gather compromising materials on public figures. There were credible charges that regional branches of the FSB continued to exert pressure on citizens employed by foreign firms and organizations, often to coerce them into becoming informants.

Federal forces and pro-Moscow Chechen forces reportedly abducted relatives of rebel commanders and fighters (see section 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year unrest continued in and around the Northern Caucasus republic of Chechnya. Federal forces and pro-Moscow Chechen forces engaged in human rights violations, including torture, summary executions, disappearances, and arbitrary detentions. Chechen rebels also committed human rights violations, including major acts of terrorism and summary executions.

The year saw a continued shift of Russian tactics away from operations involving Russian military formations and toward police operations, and from the use of federal forces toward reliance on paramilitary and police units of the Chechen Republic. There were fewer mopping-up operations, known as "*zachistki*," than in previous years, although more targeted operations, such as night raids, continued. According to Memorial, *zachistki* were often conducted with no serious human rights abuses, but Memorial noted that in some cases, *zachistki* were accompanied by abductions, looting, and beatings. Chechen security forces were nominally under the control of Chechen civilian authorities but also often conducted operations jointly with Russian federal forces. In reality, Chechen security forces were under the command of Chechen First Deputy Prime Minister Ramzan Kadyrov and often appeared to act with relative independence. The limited measures taken by the federal and Chechen leaders to rein them in have been largely ineffective.

Federal authorities—both military and civilian—have limited journalists' and human rights observers' access to war zones since the beginning of the second war in Chechnya in 1999, in part due to security concerns. In addition coverage has been restricted in government-controlled media, and the government has sought to pressure independent journalists into engaging in self-censorship (see sections 2.a. and 4). These restrictions made independent observation of conditions and verification of reports difficult and limited the available sources of information about the conflict. Human Rights Watch (HRW) reported in March that Chechnya was gripped by a climate of fear that witnesses described as "worse than war." HRW noted that victims of human rights abuses and their relatives were increasingly reluctant to speak to human rights monitors or to file complaints with the authorities because they feared further persecution, a fear HRW had not previously encountered. Despite these obstacles, however, human rights groups with staff in the region continued to release credible reports of human rights abuses committed during the year.

The indiscriminate use of force by government troops, which during the course of the conflict has resulted in widespread civilian casualties, the displacement of hundreds of thousands of persons, and massive destruction of property and infrastructure, appeared to decrease during the year. However, Memorial reported that in comparison to 2001–2002, government forces used less indiscriminate force in 2004 against civilian areas and this trend appeared to continue in 2005.

Nonetheless, there continued to be instances of indiscriminate use of force by government troops. According to Memorial, the mountain village of Zumsoi was subjected to repeated artillery shelling and aerial bombardment as well as sweeps by security forces during the year. In January the village was bombed for several days. Airborne forces then arrived in the village and took three men and a teenaged boy into custody. Their whereabouts remain unknown. Federal servicemen also allegedly robbed villagers, desecrated the village mosque, and killed cattle. In July unknown perpetrators, who were believed to be Chechen rebels, killed the head of the village administration. Also in July all but one of Zumsoi's residents left the village citing the continuing insecurity there.

In June members of the pro-Moscow Vostok (East) Battalion conducted a security sweep in the village of Borozdinovskaya. During that operation 11 men from the village were detained. Some homes in the village were burned and two villagers were killed. Subsequently villagers left en masse and crossed into the neighboring republic of Dagestan. Although prosecutors announced an investigation, and federal and Chechen officials publicly called for those responsible to be held accountable, the

whereabouts of the men remain unknown. Military prosecutors initiated criminal proceedings against one Vostok commander Mukhadi Aziyev. A military court in Chechnya convicted him in October of abuse of power, and he received a three-year suspended sentence.

In most cases security actions affecting civilians were undertaken with impunity. Even the limited efforts of the authorities to impose accountability were frequently timid. On March 29, a Grozny court convicted Lt. Sergey Lapin, a member of an OMON riot police unit, of inflicting serious harm to health and other charges related to the torture and disappearance of Chechen citizen Zemlikhan Murdalov in 2001. AI noted, however, that none of the charges against Lapin related to Murdalov's actual disappearance, nor were any others charged in the case.

Despite the opening of a criminal case, a human rights organization reported that no charges were filed after a federal warplane bombed Maidat Tsintsayeva's house in April 2004, killing her and her five children. According to a human rights NGO, there were no indications of progress in investigating the launching of several missiles at the village of Tevzen-Kale in December 2004. One of the missiles hit the house of the Suleymanov family, killing one family member and wounding two others. The Chechen interior ministry told the press that the federal military refused to acknowledge that it had bombed the village and was impeding all investigation efforts.

There were no reliable estimates of civilian casualties as a result of military operations. Chechen State Council Chairman Taus Dzhabrailov reportedly told the press in June that more than 160 thousand persons had been killed in Chechnya since 1994. Memorial has estimated that 75 thousand civilians and up to 14 thousand servicemen have died during the two Chechen conflicts.

Likewise, there were no reliable estimates of the number of those detained, abducted, or made to disappear. While Chechen rebels and criminals seeking ransom carried out many abductions and disappearances, federal and pro-Moscow Chechen forces were also involved. Government sources indicated that 67 people were abducted through mid-December compared to 168 in 2004, according to press reports. Chechen President Alu Alkhanov said 77 people were abducted in 2005, compared to 213 in 2004. Memorial reported that in the 25 to 30 percent of Chechnya to which its monitors had access, 316 persons were abducted during the year, of whom 151 were freed or ransomed, 23 were found dead, 15 were thought to be in detention, and 127 disappeared. Memorial reported that 448 persons were abducted in 2004 and has estimated that 3 thousand to 5 thousand have gone missing in Chechnya since 1999. Memorial reported that it has information on 1,200 cases where people disappeared after being detained by federal security forces since fall 1999. The federal prosecutor's office reported in December 2004 that 2,437 persons had been abducted in Chechnya in that period.

Abductions and disappearances continued to occur following operations conducted by federal forces, pro-Moscow Chechen forces, and joint operations involving Chechen and Russian units, according to various sources. Presidential Advisor Aslanbek Aslakhanov was cited in the press as saying that he could not rule out the involvement of forces under command of Chechen First Deputy Prime Minister Ramzan Kadyrov or federal forces in such activities. Colonel General Arkadiy Yedelev, head of the Russian forces general staff in the Northern Caucasus, acknowledged in February that federal forces and pro-Moscow Chechen forces had taken part in disappearances of civilians.

On April 15, security forces detained Murad Muradov, the director of the Chechen NGO "Let's Save the Generation" during a firefight between federal forces and Chechen fighters in Grozny. According to human rights groups, Muradov was detained because he lived near the apartment where rebels were hiding. His whereabouts are unknown.

Following the numerous arrests made after the October attack on Nalchik, HRW reported that there were at least eight cases where detainees were ill treated and that lawyers for five detainees were barred from representing their clients on spurious grounds. Additionally, Ruslan Nakhshiev, the head of the Islamic Research Institute in Nalchik who sought to promote dialogue between authorities and the Muslim community, disappeared on November 4 after being questioned by the Federal Security Service. Authorities had opened a criminal case against him in October for allegedly organizing the attack on Nalchik.

There were no indications that the authorities intended to take action as a result of a January 2004 sweep of the town of Argun which resulted in the abduction and torture of a many residents and the killing of two. Only after mass protests in Argun were most of the detainees released. All showed signs of physical abuse and required medical attention.

Although incidents continued, the statistics of both the authorities and Memorial appeared to point to a decline in abductions and disappearances compared to previous years, but human rights groups and the authorities interpreted the data differently. Government spokesmen attributed the apparent decline in abductions to efforts begun by the Chechen government in June 2004 to reinforce existing requirements that military forces have license plates on their vehicles when entering a village, be accompanied by a representative of the prosecutor's office and local officials, identify themselves when entering a house, prepare lists of all persons arrested during the operation, and share those lists with local authorities. Chechen officials subsequently declared a ban on law enforcement officers wearing masks. Colonel General Arkadiy Yedelev, chief of counterterrorist operations in the Northern Caucasus, asserted that requirements that regional security headquarters approve all raids to detain suspected rebels and that Chechen prosecutors be notified of such operations in advance had led to a decrease in abductions.

Human rights groups attributed at least part of the statistical decline to the reluctance of detainees' relatives to complain to the authorities or human rights groups out of fear of reprisals. Citing numerous incidents in which unidentified armed men wearing camouflage broke into houses and abducted civilians, they expressed skepticism about government assertions that regulations governing the behavior of security forces were being more closely observed.

Although federal forces were believed to have engaged in fewer abductions, this was to some extent offset by the increasing role of the pro-Moscow Chechen security forces under the command of Deputy Prime Minister Ramzan Kadyrov, either by themselves or in joint operations with federal forces. Human rights groups reported that these forces were frequently suspected of disappearances and abductions, including those of family members of rebel commanders and fighters. The International Helsinki Foundation for Human Rights estimated in a February report that Kadyrov's militia was responsible for up to 75 percent of the crimes in Chechnya. For example the press reported that a 25-year-old resident of Argun was found dead in a rock quarry in June after members of the militia arrested him. Two days after being arrested, the victim was released after having been badly beaten. A few days later, he was ordered to return for further questioning and was not seen again until his body was discovered.

According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and non-combatants. Federal forces were believed to be responsible for the June 2004 killing of Umar Zabiyeu, a civilian, near the Ingush village of Galashki.

AI reported federal and Chechen security forces increasingly targeted female civilians, both in response to terrorist bombings carried out by Chechen women and to put pressure on male relatives suspected of being rebels. According to AI security forces detained 70-year-old Maret Khutsaeva and her teenaged granddaughter on May 10. Armed men in camouflage, without masks and speaking Chechen, arrived at her home and reportedly asked her where her son Arbi Khutsayev was. The two were held for one day and released on the condition that Khutsayev give himself up, with the warning that they would be detained again if he did not do so. Security forces also detained Natasha Khumadova, the sister of Chechen field commander Doku Umarov.

The whereabouts of Milana Ozdoyeva, whom the security forces questioned twice in January 2004 about her alleged plans to become a suicide bomber, were unknown. In January 2004 several men entered her house and took her away, leaving her two children behind.

Troops also reportedly kidnapped and otherwise mistreated children (see section 5).

Abductions reportedly continued in Ingushetiya. Memorial stated that 33 people were reported abducted during the year. Of them, 9 were freed, 4 were found dead, and 10 others disappeared. The remaining 10 were later found in the custody of law enforcement agencies.

AI and other human rights groups reported that Adam Gorchkhanov disappeared from the village of Plievo, Ingushetiya, on May 23. Gorchkhanov was reportedly detained in a raid involving 40 members of an unknown security service. He and his younger brother were beaten and the house searched, although security forces presented no warrant. Relatives subsequently learned that he had been held in the pre-trial detention center in Vladikavkaz, North Ossetia, and later transferred to the Regional Department for the Fight Against Organized Crime under the MVD. On May 28, relatives learned that he had been taken to a hospital where, according to police statements, he jumped from a fourth floor window. A doctor, however, later told Memorial that Gorchkhanov had been admitted with a serious head injury. He died on May 30 from his injuries.

AI reported that prosecutors were continuing their investigation into the March 2004 disappearance of Ingush deputy prosecutor Rashid Ozdoyev after he submitted a report on alleged FSB abuses in Ingushetiya. Ozdoyev's whereabouts remain unknown, and no suspect has been identified in the case.

Throughout the year security forces continued to conduct security sweeps and passport checks at temporary settlements in Ingushetiya housing internally displaced persons (IDPs) from Chechnya. These sweeps sometimes led to reports of human rights abuses or disappearances.

Following rebel attacks across Ingushetiya in June 2004, federal forces conducted sweeps in several settlements housing IDPs from Chechnya. Human rights groups reported cases in which military personnel beat or verbally abused persons during these sweeps; however, the 20 IDPs they arrested were all released. Human rights groups also reported that several dozen Ingush and Chechens disappeared in Ingushetiya. As with similar operations in Chechnya, reports of beatings, arbitrary detentions, and looting usually followed security sweeps. Five men remain missing following a 2003 incident in which, according to HRW, pro-Moscow Chechen police burst into a clinic in Ingushetiya and abducted the men, one of whom was injured. One of the policemen struck a doctor with a rifle.

Pro-Moscow Chechen forces commanded by Ramzan Kadyrov and federal troops continued to arrest relatives of Chechen separatist leaders and fighters in an effort to force them to surrender, according to human rights groups. They noted that this practice may be linked to an October 2004 speech by Prosecutor General Ustinov suggesting that authorities detain relatives of alleged members of armed opposition groups in response to their hostage-taking (see section 1.d.).

On March 28, according to Memorial, Zaudi Sadulayev, aged 65, and his son were detained by forces under the command of Kadyrov in the village of Mairtup. Another of Sadulayev's sons was allegedly a member of the Chechen resistance. Similar cases cited by Memorial included the detention of a 13-year-old boy in the village of Noviye Atagi by Kadyrov's forces and the abduction of four members of the Sirazhdiyev family on May 26 by unknown security forces in revenge for the killing of a member of the Vostok battalion.

Press and human rights groups reported that in September 2004, during the hostage taking in Beslan, federal forces took into custody relatives of Aslan Maskhadov, Shamil Basayev, and Doku Umarov, whom authorities accused of organizing the terrorist attack. Federal forces stated this was for the relatives' protection, but human rights groups alleged that the relatives would be used in a potential trade for hostages at the school. The relatives were subsequently released, but in December 2004, according to Memorial, eight relatives of Chechen leader Aslan Maskhadov were abducted. Maskhadov's relatives were released in May 2005, after federal forces killed him in March (see section 1.d.).

Government forces and Chechen rebel fighters have used landmines extensively in Chechnya and Dagestan since 1999; but there were fewer civilian landmine victims in Chechnya during the year. Federal forces and their opponents continued to use antipersonnel mines in Chechnya, although the publication, *Landmine Monitor*, reported that Chechen fighters increasingly used improvised explosive devices. Reports suggested that the number of landmine casualties was declining over time. According to 2005 statistics, UNICEF recorded 24 new civilian mine/UXO (unexploded ordnance) casualties, including 14 killed and 10 injured; 7 were children (5 killed and 2 injured). According to UNICEF, as of December 31, there were 3,037 landmine and UXO casualties in Chechnya since 1995. Of these, 2,338 were wounded and 699 killed. Among the casualties were 739 children, 607 of whom were wounded and 132 were killed. Unlike previous years, there were no reports that Chechen rebels used children to plant mines and explosives.

Chechen officials acknowledged the presence of mass graves and dumping grounds for victims, but there were no reports that new mass graves were discovered during the year. Nurdi Nukhazhiyev, head of the Chechen administration's Committee for Protecting the Constitutional Rights of Citizens, reported as many as 52 mass graves in the republic, although this report resulted in no investigations. In April 2004 local residents near the village of Serzhen Yurt found the bodies of nine men in a ravine. According to AI, the bodies bore gunshot wounds and marks of torture. Federal forces had detained eight of the men in March 2004 in the village of Duba Yurt. The ninth man had disappeared from his home in Grozny, according to AI. There were no reports by year's end that the government had initiated any criminal cases related to the mass grave discoveries. Memorial reported that it was unaware of any charges brought against federal security officers in response to the discovery of any mass graves.

Armed forces and police units were reported to have routinely abused and tortured persons in holding facilities where federal authorities sorted out fighters or

those suspected of aiding the rebels from civilians. For example, Timur Khambulatov, arrested in March 2004 for allegedly belonging to an illegal armed group, died in police custody in March 2004 reportedly due to mistreatment.

Federal forces and police units reportedly ransomed Chechen detainees (and, at times, their corpses) to their families for prices ranging from several hundred to thousands of dollars.

Citing antiterrorism laws, federal authorities refused to return the body of Chechen separatist leader Aslan Maskhadov after security forces killed him on March 8. In October the authorities also refused to return bodies of fighters who attacked the city of Nalchik.

Since the start of the Chechen conflict, there have been widespread reports that federal troops killed or tortured suspected rebel fighters they had detained and that rebel fighters killed or abused captured federal troops and pro-Moscow Chechen security forces. A policy of "no surrender" appeared to prevail in many units on both sides.

According to human rights NGOs, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many IDPs reported that guards at checkpoints forced them to provide payments or harassed and pressured them. The indiscriminate use of force by federal troops caused destruction of housing and commercial and administrative structures.

A climate of lawlessness and corruption flourished in Chechnya. The government investigated and tried some members of the military for crimes against civilians in Chechnya; however, there were few convictions and reports concerning the number of convictions differed. President Putin stated in a May interview that hundreds of criminal cases had been opened into alleged crimes by Russian servicemen and that over 50 persons had been convicted and given various prison terms, but he provided no further details.

Authorities reportedly arrested four Russian servicemen for the November 16 killing of 3 Chechen civilians in the village of Staraya Sunzha. According to press reports, the victims were shot and stabbed by drunken soldiers, who were stopping vehicles and demanding money at a checkpoint.

A human rights NGO reported that during the year a Grozny garrison military court convicted serviceman Sergey Belyayev in a retrial on charges related to the death of 16-year-old Dzhandar Arsanov in April 2000. He was sentenced to five years in prison.

According to statistics compiled by the general prosecutor's office, through mid-year, verdicts had been rendered in 103 cases involving federal servicemen charged with crimes against civilians since 1999. Of these, 27 were given prison sentences of from 1 to 18 years, 8 were acquitted, and 20 were amnestied. Sentences in the remainder were suspended or the guilty were fined, according to Memorial. Government statistics also showed that 34 law enforcement officers were charged with crimes against civilians, with 7 sentenced to prison and the rest convicted and given suspended sentences.

The general prosecutor's office released statistics to the press in early December 2004 indicating that since 2001, 1,749 criminal cases were initiated in Chechnya to investigate approximately 2,300 cases involving disappeared persons. Of these, only 50 cases reached the courts. Memorial concluded that the majority of cases opened for alleged crimes by federal servicemen against civilians resulted in no charges because of the absence of the bodies or an inability to identify a suspect.

According to Minister of Justice Yuriy Chayka, from the start of the conflict through November 2003, 54 servicemen, including 8 officers, had been found guilty of crimes against civilians in Chechnya. A third trial was ordered for Captain Eduard Ullman and three others for the 2002 murder charges of six Chechen civilians after a military appellate court overturned their acquittals for the second time (see section 1.a.).

In May a retrial began of interior ministry officers charged with murdering three civilians in Chechnya in 2003. The retrial of Yevgeniy Khudyakov and Sergey Arakcheyev began after the Supreme Court overturned the north Caucasus military district court's June 2004 acquittal of the two officers. A news service reported that the court found the jury for the trial was convened improperly. Khudyakov and Arakcheyev allegedly shot the three civilians in January 2003 after forcing them out of a truck near Grozny. The suspects then allegedly doused the victims' bodies with gasoline and ignited them in attempt to cover up the crime. A jury acquitted them again in October.

In April 2004 then-Chechen president Akhmed Kadyrov asked that the State Duma extend an amnesty that had expired in September 2003. In June 2004 following his assassination, his son Ramzan stated that the amnesty program should be ended and gave fighters three days to turn in their weapons. Ramzan Kadyrov

subsequently made claims that rebels who surrendered had been amnestied, although there is no longer any official amnesty program.

On February 25, the ECHR found in favor of six Chechen applicants to the court. The ECHR found Russia in violation of several articles of the European Convention on Human Rights and Fundamental Freedoms. Two of the cases concerned the killing and mutilation of the applicants' relatives in Grozny in 2000. Three others were brought in response to the bombing of a convoy of civilians in 1999 by Russian military aircraft. The sixth case involved the artillery and aerial bombardment of the village of Katyr Yurt in 2000 that resulted in the death of one applicant's son and three other relatives (see section 4).

Government forces continued to abuse individuals seeking accountability for abuses in Chechnya and continued to harass applicants to the ECHR. AI and other human rights groups have reported reprisals against applicants to the court, including killings, disappearances, and intimidation. According to press reports and human rights NGOs, at least five applicants to ECHR have been killed or abducted. In April armed men took two ECHR applicants from their homes. The body of one of them was found in May, and the other person was still missing. Other applicants reported that they were offered pay-offs or were threatened in an effort to have them drop their cases.

The authorities continued to target the Russian-Chechen Friendship Society (RCFS). The RCFS has urged negotiations with Chechen separatists to settle the conflict and has reported on human rights abuses by security forces. RCFS offices in Nizhniy Novgorod were raided in January and separate criminal and tax cases were opened against RCFS' executive director and the organization (see section 4). In January 2004 human rights activist Aslan Davletukayev, an RCFS volunteer, was kidnapped, tortured, and killed in Chechnya under circumstances that suggested the involvement of government forces. He was the third volunteer with the RCFS to have been killed since December 2001. According to AI and other human rights groups, he had been in the custody of federal forces. A criminal investigation into the incident was inconclusive and no charges were brought. The RCFS reported that it received anonymous threats following the September 2004 seizure of the school in Beslan.

In 2003 Memorial reported that federal forces abducted Fatima Gazayeva of the human rights organization Echoes of War, a regional organization that reported on human rights abuses, and her husband Ilyas Atayev. They were released two days later but indicated they had no idea where they had been kept and by whom. They indicated that their captors had not treated them abusively.

Government oversight over human rights conditions in the Northern Caucasus remained weak. In January 2004 President Putin abolished the post of presidential Human Rights Representative to Chechnya on the grounds that no other region had an analogous representative and Chechnya no longer warranted special treatment. Putin handed full responsibility for the issue to then-Chechen president Akhmed Kadyrov. In June 2004 Chechen President Alu Alkhanov appointed Lema Khasuyev as the republic's human rights ombudsman. On June 15, 2005 Khasuyev said he would not cooperate with the human rights NGO Memorial, claiming that it was biased and was working in the interests of foreign donors.

The Independent Commission on Human Rights in the Northern Caucasus headed by the Chairman of the State Duma Committee on Legislation maintained a number of offices in Chechnya and Ingushetiya. It heard hundreds of complaints, ranging from destruction or theft of property to rape and murder; however, it was not empowered to investigate or prosecute alleged offenses and had to refer complaints to military or civil prosecutors. Almost all complainants alleged violations of military discipline and other crimes by federal and Chechen government forces.

Chechen rebel fighters also committed numerous serious human rights abuses. They committed terrorist acts against civilians in Chechnya and elsewhere in the country, killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases Chechen fighters killed elderly ethnic Russian civilians for no apparent reason other than their ethnicity. Verifying or investigating these incidents was difficult. Chechen Minister of Internal Affairs Ruslan Alkhanov identified 120 attacks that he characterized as terrorist in Chechnya in 2004, but it was unclear what methodology he used to cite that figure. Alkhanov said this figure was lower than in 2003.

Chechen rebels committed a number of terrorist acts involving bombings during the year. On July 19, a bomb planted by fighters killed 15 people including a number of civilians, and injured nearly 30 others in the Chechen village of Znamenskoye. Police were lured to the scene of the explosion after rebels placed a corpse in a stolen police car and made it appear as though a shooting was taking

place. On August 15, a woman and a 12-year-old boy were killed in central Grozny when a car bomb exploded near the government compound. Eleven others were wounded.

Chechen terrorist Shamil Basayev continued to take responsibility for rebel attacks outside Chechnya and to threaten new ones. In an interview in which he acknowledged he was a terrorist, Basayev said that attacks similar to that on the Beslan school were possible.

According to authorities, 12 civilians were killed during a large-scale rebel attack on Nalchik, capital of the Republic of Karbardino-Balkariya. The attackers, who numbered as many as 300, targeted military garrisons and police stations throughout the town. The death toll among military and law-enforcement personnel was reported to be 34. Chechen rebel leader Shamil Basayev claimed responsibility. Most observers appeared to believe that a majority of the attackers were natives of Karbardino-Balkariya.

There were also rebel attacks in other parts of the Northern Caucasus. Chechen rebels continued to launch attacks on government forces and police in Ingushetiya during the year.

These attacks follow a number of terrorist acts in 2004. In February 2004 Basayev claimed responsibility for an attack in which a suicide bomber blew up a car on the Moscow metro, killing 40 persons. In March 2004 terrorist Abu al-Walid stated that further attacks should be expected. In August 2004 suicide bombers from Chechnya were believed to have carried out the near-simultaneous downing of two civilian aircraft, killing 89 persons, and a suicide bombing later that month at a metro station in Moscow that killed ten persons. In September 2004 terrorists took an estimated 1,200 teachers, children and parents hostage in a school in Beslan, North Ossetia. During the hostage-taking and the rescue effort by troops and security forces, at least 330 hostages died. Security forces subsequently killed most of the hostage takers in a firefight that lasted several hours.

In other incidents, rebels took up positions in populated areas and fired on federal forces, thereby exposing civilians to federal counterattacks. When villagers protested, the rebels sometimes beat them or fired upon them. Chechen fighters also targeted civilian officials working for the pro-Moscow Chechen Administration. On November 29, about 100 Chechen rebels raided the village of Avtury, killing the head of the village administration Ibragim Umpashayev and his son Isa. In May 2004 Chechen president Akhmed Kadyrov was assassinated while attending a Victory Day celebration in Grozny. Chechen fighters also reportedly abused, tortured, and killed federal soldiers whom they captured. Rebels continued a concerted campaign, begun in 2001, to kill civilian officials of the government-supported Chechen Administration. According to Chechen sources, rebel factions also used violence to eliminate economic rivals in illegal activities or to settle personal accounts.

Rebel field commanders reportedly resorted to drug smuggling and kidnapping to fund their units. As a result, distinguishing between rebel units and criminal gangs was often difficult if not impossible. Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. Government officials continued to maintain that there were two to three hundred foreign fighters in Chechnya.

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280 thousand in the spring of 2000 (see section 2.d.). At various times during the conflict, authorities restricted the movement of persons fleeing Chechnya and exerted pressure on them to return there (see section 2.d.).

At year's end, the Office of the UN High Commissioner for Refugees (UNHCR) estimated that 26,155 IDPs remained in Ingushetiya in private accommodations and in temporary settlements. Two hundred thousand displaced persons were estimated to live within Chechnya, including thousands living in temporary accommodation centers. Conditions in those centers reportedly failed to meet international standards.

Beginning in September 2004, authorities refused to grant the ICRC access, under ICRC's standard criteria, to those detained as part of the conflict in Chechnya, and the ICRC subsequently suspended its detention visits.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, government pressure on the media persisted, resulting in numerous infringements of these rights. Faced with continuing financial difficulties, as well as pressure from the government and large private companies with links to the government, many media organizations saw their autonomy further weaken. The government used its controlling ownership interest in all national television and

radio stations, as well as the majority of influential regional ones, to restrict access to information about issues deemed sensitive. It severely restricted coverage by all media of events in Chechnya. There were indications that government pressure frequently led reporters to engage in self-censorship. Nonetheless, on most subjects, the public continued to have access to a broad spectrum of viewpoints in the print media and, for those with access, on the Internet.

While the government generally respected citizens' rights to freedom of expression, it sometimes restricted this right with regard to issues such as the conduct of federal forces in Chechnya, discussions of religion, or controversial reforms in the social sector. Some regional and local authorities took advantage of the judicial system's procedural weaknesses to arrest persons for expressing views critical of the government (see section 1.d.). With some exceptions, judges appeared unwilling to challenge powerful federal and local officials who sought to prosecute journalists. These proceedings often resulted in stiff fines.

On March 28, Yuriy Samodurov and Lyudmila Vasilovskaya, employees of the Sakharov Center, were found guilty of inciting religious hatred and fined \$3,500 (100 thousand rubles) each. The prosecution stemmed from an exhibit on religious subjects which they organized. The defendants were convicted, after a lengthy litigation process, of inciting national, racial, and religious hostility by organizing an exhibit at the Sakharov Center in Moscow in January 2003, which some viewed as being provocative on religious issues.

Although all but two national newspapers remained privately owned, as did more than 40 percent of the 45 thousand registered local newspapers and periodicals, the government attempted to influence the reporting of independent publications. In June Gazprom, a company in which the government owns a controlling stake, bought the daily newspaper *Izvestiya*. In the months before the sale the newspaper's critical coverage of governmental performance, and particularly its coverage of the Beslan school massacre, had reportedly aroused the ire of the Kremlin and given rise to significant editorial changes, including an increase of non-political content at the expense of political analysis, and resignations of senior editors critical of the Kremlin. Media freedom advocates viewed the paper's acquisition by Gazprom, which in 2003 had acquired the last major independent television channel, as further evidence of continuing Kremlin efforts to expand control of media beyond national television before the 2007–08 parliamentary and presidential elections. In late 2005, after a personnel change at *Izvestiya*, the newspaper's editorial staff was reportedly told on several occasions to be careful not to provoke Kremlin authorities. *Izvestiya's* coverage of the late-2005 elections in Chechnya was allegedly less critical than might have been expected under the previous ownership.

Approximately two-thirds of the 2,500 television stations in the country were completely or partially owned by the federal and local governments, and the government indirectly influenced private broadcasting companies through partial ownership of such commercial structures as Gazprom and Eurofinance Bank, which in turn owned controlling or large stakes of media companies. Such influence was not uniform, however. Employees continued to exercise program control at the radio station Ekho Moskvii, although it is owned in part by Gazprom. The station maintained an independent editorial position, offering political figures across the entire political spectrum the opportunity to air their views and covering issues skirted by other electronic media. A similar stance was maintained by a number of sister stations that Ekho has established in other major cities.

Of the three national television stations, the government had a direct interest in two, the Rossiya Channel, which it owned outright, and the First Channel, in which it held a majority interest (the third national television network is NTV). The only remaining television network that had exhibited independence of the Kremlin, REN-TV, was sold during the year. REN-TV ended up under the shared control of Severstal Group and Surgutneftegas Company, each with 35 percent of the shares and both under the control of Kremlin allies. The German media company RTL owned the remaining 30 percent of REN-TV. Following the sale REN-TV observers alleged that the network's editorial line became more pro-Kremlin. The network's November 24 decision to cancel the news show "24," which was anchored by one of Russia's most outspoken journalists, Olga Romanova, was seen as evidence of this trend. A wave of resignations of REN-TV news staff ensued, amid allegations the network had started to practice self-censorship aimed at keeping the government happy.

In February the Ministry of Defense launched a new military-patriotic channel Zvezda featuring programs and movies focusing on the armed forces. In December the English-language channel Russia Today launched by the government officially began broadcasting; when the plans for the channel were originally announced the goal of the channel was "improving Russia's image" with Western audiences.

Gazprom had a controlling ownership stake in NTV, the third national television station, which maintained a more independent editorial line. The government also maintained ownership of the largest radio stations, Radio Mayak and Radio Rossiya, and the news agencies ITAR-TASS and RIA-Novosti.

The government exerted its influence most directly on state-owned media. Journalists and news anchors of Rossiya and First Channel reported receiving “guidelines” from the management prepared by the Presidential Administration, indicating which politicians they should support and which they should criticize. The two networks promoted a positive image of President Putin and suppressed reporting on the war in Chechnya, the government’s legal prosecution of Yukos, the electoral crisis in Ukraine, the nationwide public protests against unpopular welfare reform, and the elimination of gubernatorial elections. Apparently as a result of government influence, criticism of presidential policies was also muted on NTV. The federal government and some regional governments also sought through various means to dampen criticism in many privately owned print publications, although with little apparent effect.

During the year the government continued to circumscribe the editorial independence and political influence of NTV. On March 10, NTV management prohibited the airing of an investigative program about the 2000 killing of Ukrainian journalist Georgiy Gongadze. Media reports cited NTV sources as saying the program contained interviews with Ukrainian politicians and former senior government officials who made allegations of possible Russian government involvement in the killing. According to media freedom advocates, the program was pulled by order of Presidential Administration officials, who also demanded that NTV abstain from further reporting on Gongadze’s case.

Government-controlled media exhibited considerable bias in favor of President Putin in its coverage of the March 2004 presidential campaign. President Putin did not actively campaign, but, as the OSCE election observation mission noted, he received coverage on the state-controlled television channels far beyond what was reasonably proportionate to his role as head of state. For example, the OSCE election observation mission reported that First Channel provided him with more than 4 hours of all-positive political and election coverage; the next most covered candidate received approximately 21 minutes of prime time coverage (see section 3).

The Ministry of Internal Affairs controlled media access to the area of the Chechen conflict.

In February the Ministry of Culture and Mass Communications issued a warning to the daily newspaper *Kommersant* for publishing on February 7 an interview with Chechen rebel leader Aslan Maskhadov. The ministry claimed the interview “justified extremist activities.” Under legislation governing the media, multiple warnings might allow the ministry to suspend the newspaper’s publication. On April 19, the Moscow arbitration court rejected the newspaper’s appeal of the warning.

On June 1, police and FSB agents in Nazran, Ingushetia, detained Mariusz Pilis, Marcin Mamon, and Tomasz Glowacki, journalists of the Polish state television station TVP. The journalists, who were working on a documentary about Chechnya, had valid Russian visas and the necessary accreditation. After 14 hours in detention, the journalists’ tapes were confiscated, and they were told their visas and accreditation cards were no longer valid and that they had to leave Ingushetia within 24 hours.

On July 28, a well-known foreign television company aired an interview with Chechen terrorist Shamil Basayev, despite requests from the Russian Government that the network cancel the broadcast. The Ministry of Foreign Affairs (MFA) said in a statement that the interview, recorded by journalist Andrey Babitskiy at the end of June, “allowed terrorists to use the media to intimidate the international community.” The ministry declared any further contacts between the network and governmental agencies undesirable, and said its staff’s accreditation would not be renewed. Foreign journalists are required to obtain accreditation from the ministry to work in the country. Minister of Defense Sergey Ivanov ordered all military personnel to avoid contact with the network.

Mistreatment of journalists by the authorities was not limited to Caucasus-related coverage. The Glasnost Defense Fund (GDF) and other media freedom monitoring organizations reported numerous abuses of journalists by police and other security personnel elsewhere, including physical assault and damaging of equipment. In most instances, however, the mistreatment appeared to have been at the initiative of local or provincial officials.

For example, on March 30 police in Voronezh beat Vladimir Lavrov, photographer of the newspaper *Moyo*, who attempted to take pictures of police searching a group of young soccer fans near a stadium. Although Lavrov showed the police his press credentials, they knocked him down, beat him, and seized his digital camera’s mem-

ory card. On May 31, police in Moscow's Red Square beat Aydar Buribayev, a correspondent for the daily *Gazeta*, and Shagen Ogandzhanyan, a correspondent for the daily *Novaya Gazeta*, who were covering a rally by a radical youth group. Buribayev, Ogandzhanyan, and *Novaya Gazeta* correspondent Irina Gordiyenko were subsequently taken to a police station, interrogated, and released after several hours. According to Oganidzhan, an officer of the Federal Guard Service whom he met at the police station threatened to withdraw *Novaya Gazeta's* Kremlin accreditation.

According to the GDF, 60 journalists were physically attacked during the first 11 months of the year and 6 were killed. At least three of the deaths may have been related to their work in journalism. In most cases authorities and observers were unable to establish a direct link between the assault and those who reportedly had taken offense at the reporting in question.

Independent media NGOs still characterized beatings of journalists by unknown assailants as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

In May Pavel Makeyev, a reporter from the local Rostov-on-Don TV company TNT-Plus, was found dead with multiple bruises and fractures on his body. His body was discovered in a ditch, and his equipment and cell phone were missing. He died shortly after beginning work on a story about illegal drag races. Some of his colleagues stated that Makeyev's death was linked to his work.

On June 28, unknown assailants in Makhachkala shot Magomedzagid Varisov, director of Center for Strategic Initiatives and Political Technologies and a columnist of the local weekly *Novoye Delo*. Varisov's colleagues said he received numerous threats in connection with his commentary on local politics. No progress in the investigation of Varisov's killing has been reported.

In October Tamirlan Kazikhanov, the Head of the Press Service of the Counter Terrorist Center of the Ministry of Interior in the Southern Federal District was killed by rebels during an assault on the center's office in Nalchik. A sniper fatally shot Kazikhanov after he took a camera and started to film the attack on the building. Kazikhanov had worked on several documentaries about counter-terrorist operations in the Northern Caucasus.

Other investigative journalists attacked during the year in circumstances suggesting that their professional work may have provided the motive for their attackers included Dmitriy Suryaninovich, General Director of Media-Samara company; Viktor Naikhin, *Komsomolskaya Pravda* correspondent in Voronezh; Yelena Rogacheva, correspondent of Radio Free Europe/Radio Liberty in Mari-El Republic; Sergey Lyubimov, correspondent of the newspaper *Bogatey* in Saratov; Aleksandr Boyko, *Komsomolskaya Pravda* correspondent in Moscow; Maksim Leonov, correspondent of the daily *Delo* in St. Petersburg; Andrey Zakharov, investigative reporter of *Pravda Severa* in Arkhangelsk; and Olga Kiriya, First Channel correspondent in Pyatigorsk.

High-profile cases of journalists killed or kidnapped in earlier years remained unsolved. The government announced that it had detained two of five Chechens suspected in the 2004 killing of Paul Klebnikov, the editor-in-chief of the magazine *Forbes Russia*. The others are fugitives. One of the suspects, former separatist Chechen figure Khodz-Akhmed Nukhayev was charged with ordering the killing. The trial of the two suspects in custody began on December 29. In accordance with the criminal code, a representative of the Klebnikov family was given access to the file on the case and President Putin met with the family in September to discuss the case.

No progress was reported in the investigations of the 2004 killing of Shangysh Mongush, a newspaper journalist in the Tuva Republic, or the 2003 killing of Aleksey Sidorov, editor-in-chief of daily newspaper *Tolyattinskoye Obozreniye* in Togliatti, Saratov. Other unresolved cases of missing or killed journalists from 2003 include: Dmitriy Shvets, deputy head of TV-21 in Murmansk; Alikhan Guliyev, a freelance journalist covering Chechnya for Television Center and the daily newspaper *Kommersant*; and Ali Astamirov, an Agence France-Presse correspondent kidnapped in Ingushetiya.

On March 11, the Military Collegium of the Supreme Court rejected the general prosecutor's appeal of the June 2004 Moscow circuit military court's acquittal of all the defendants accused of organizing the 1994 killing of Dmitriy Kholodov, military affairs correspondent for the daily newspaper *Moskovskiy Komsomolets* (see section 1.a.).

Authorities at all levels employed administrative measures to deter critical coverage by media and individual journalists. One method was to deny the media access to events and information, including filming opportunities and statistics theoretically available to the public. For example, under the new media accreditation regulations adopted by the government of Karachayevo-Cherkesiya Republic in

March, only media outlets providing “objective” reporting on the local government are allowed access to government media events. On June 8, traffic police in Kabardino-Balkariya stopped a vehicle taking a Ren-TV film crew to the town of Tyrnauz to report on a public rally. When the journalists pressed the police for an explanation, they were told that an order had been received not to allow the press into town. Fatima Tlisova, a correspondent of the Regnum information agency, who was also going to report on the rally, was stopped by two police officers, who got into her car and forcibly drove her back to the nearby town of Nalchik. On June 17, authorities in Yoshkar Ola, Mari-El Republic, denied Radio Liberty correspondent Yelena Rogacheva access to a press conference with Estonian, Finnish, and Hungarian ambassadors at the conclusion of their visit to the republic. According to Rogacheva, local authorities in Mari-El rarely allowed non-state media representatives to attend official press events. In August the Moscow city court introduced special accreditation for journalists to attend open court sessions. The accreditation rules allow authorities to deny journalists access to the court for “criticism devoid of evidence of judges and other court employees,” and require journalists to give one-day advance notice of their visits.

At times officials or unidentified individuals used force or took extreme measures to prevent the circulation of publications that were not favored by the government. For example, on February 23 the administration of Krasnodar Krai purchased and destroyed the entire local issue of *Versiya* newspaper, which carried an article critical of Governor Aleksandr Tkachev. On March 17, police in Gus Khrustalnyi, Vladimir Oblast, seized the entire issue of *Vladimirskiy Kray* daily. The newspaper’s editor-in-chief, Irina Tabatskova, linked the seizure to the newspaper’s criticism of local officials affiliated with the pro-Kremlin United Russia party. On May 26, unidentified individuals in Sokol, Vologda Oblast, forcibly seized from a distributor all the copies of the local newspaper *Nash Regyon*. The newspaper’s employees said the issue contained articles critical of the mayor of Sokol and favorable to his rival in an upcoming election.

Legal actions against journalists and journalistic organizations were another tool employed by authorities at the federal and local levels, primarily in response to unfavorable coverage of government policy or operations. The GDF estimated that more than 100 such cases were brought during the first 6 months of the year. However, the utility of this tool was partially diminished as a result of a decision by the Supreme Court in December 2004 prohibiting courts from imposing sentences in libel and defamation cases that would bankrupt the media organization being sued. However, one NGO reported that the decision was not always implemented properly on the local level. The court’s order stated that compensations “should be commensurate with the damage and not infringe upon press freedom.”

In February Eduard Abrosimov, Public Relations Adviser to the governor of the Saratov Oblast and a columnist with a number of local newspapers, was arrested on libel charges for having publishing in December 2004 in *Sobesednik* newspaper a negative article about State Duma Deputy Chairman Vyacheslav Volodin. Investigators confiscated Abrosimov’s computer and claimed to have found articles bismirching Volodin and a number of senior Saratov officials. The articles included a draft of a 2004 story accusing an official with the Saratov prosecutor’s office of corruption. Although that accusation was edited out prior to the publication of the article, investigators used the unedited draft to bring libel charges against Abrosimov. According to an NGO that monitors press freedom, on June 23 Abrosimov was sentenced to seven months’ imprisonment, and was later released in October for time served.

On June 1, the Moscow arbitration court reversed a 2004 decision and ordered Alpha-Bank to repay the newspaper *Kommersant Daily* \$9.5 million (270 million rubles) of the original fine of \$10.9 million (310.5 million rubles) fine it had been awarded as compensation for losses and damage to its reputation brought about by a July 2004 story about the bank’s financial problems.

On June 6, a Smolensk district court sentenced Nikolay Goshko, deputy editor-in-chief of the local weekly *Odintsovskaya Nedelya*, to five years of hard labor as a result of a libel suit filed in 2000 by the governor and vice governor of Smolensk region. Goshko’s articles and a radio program aired in 2000 accused the officials of masterminding the murder of Sergey Novikov, a Smolensk radio journalist who investigated corruption by local officials. Novikov’s killers have never been found. Following Goshko’s appeal of the sentence, the charge was reduced to criminal insult and in August he was released.

Authorities at various levels took advantage of the financial dependence of most major media organizations on the government or on major financial-industrial groups to undermine editorial independence and journalistic integrity in both the print and broadcast media. Government structures, banking interests, and the

state-controlled energy giant Gazprom continued to dominate the Moscow media market and extend their influence into the regions. Most news organizations experienced continued financial difficulties during the year, which reinforced their dependence on private sponsors and, in many cases, on the federal and regional governments. As a result, the autonomy of the media and its ability to act as a watchdog remained weak.

The authorities also made use of the media's widespread dependence on governments for transmission facilities, access to property, and printing and distribution services to discourage critical reporting, according to the GDF and media NGOs. The GDF reported that approximately 90 percent of print media organizations relied on state-controlled organizations for paper, printing, or distribution, and many television stations were forced to rely on the government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate various other "instruments of leverage," including the price of printing at state-controlled publishing houses, to apply pressure on private media rivals. The GDF noted that this practice was more common outside the Moscow area than in the capital. For example, on January 13, city authorities in Petropavlovsk-Kamchatskiy abruptly cancelled a lease contract with Troyka media company, which includes three newspapers, a television station and a radio station, and demanded that the media outlets leave their city-owned premises in five days. Troyka's management said the company was being persecuted for its frequent criticism of local authorities. In June a printing plant in Prokhladnyy, Kabardino-Balkariya Republic, refused to print the local newspaper *Islam and Society*, citing instructions from the republic's prosecutor general. According to GDF, law enforcement authorities accused the newspaper of supporting religious extremism. The journalists argued that the newspaper came under pressure when it began to reprint articles from the national press about the political and economic situation in the republic.

According to the GDF and other media NGOs, there were numerous instances of the use of taxation mechanisms to pressure media across the country.

The government generally did not restrict access to the Internet; however, it continued to require Internet service providers to provide dedicated lines to the security establishment so that police could track private e-mail communications and monitor Internet activity (see section 1.f.).

The government did not restrict academic freedom; however, human rights and academic organizations questioned whether the convictions of Sutugin, Danilov, and others inhibited academic freedom and contact with foreigners on subjects that the authorities might deem sensitive (see section 1.e.).

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly and the government generally respected this right in practice; however, at times authorities restricted this right.

Organizations are required to obtain permits in order to hold public meetings. They must apply for these permits between 5 and 10 days before the scheduled event. Such permits were generally granted to both supporters and opponents of the government. For example early in the year groups that were opposed to a large-scale government program of welfare reforms demonstrated nationwide against the measures. Opponents of the reform also held some rallies without permits, and the authorities reportedly did not interfere. While the police often granted demonstration permits to both opponents and supporters of the government, local elected and administrative officials at times denied some groups permission to assemble. Religious gatherings and assemblies do not require permits, but in several instances the authorities denied religious groups access to venues where they could hold assemblies (see section 2.c.).

On May 30, Moscow police, after breaking up a demonstration in front of city hall, detained 10 congregants and supporters of the Emmanuel Pentecostal Church. Members and supporters of the church continued to demonstrate, alleging discrimination by authorities who had refused the church permission to construct a church and renovate buildings in Moscow and another district. In June several of these demonstrators were arrested during a demonstration. City authorities contended that the demonstrations were illegal and that they had advised the demonstrators to hold their protests at an alternative site. Protesters said that the demonstration was legal and that they had never received such instructions from city authorities. Several protesters were charged with holding an illegal demonstration and sentenced to five-day jail terms.

In September Moscow officials denied the request of the youth organization “We” to hold a protest. The youth organization’s leader alleged that the request was denied because the organization had called for President Putin’s resignation.

Some controversial political gatherings resulted in violence. On August 12, a group of young men reportedly attacked protesters rallying in support of Mikhail Khodorkovskiy. Also in August, individuals allegedly armed with clubs attacked a gathering of left-wing youth organizations in Moscow. Police reportedly confirmed that at least three persons were injured in the attack.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right; however, the government increasingly harassed several organizations of whose policies it disapproved. Public organizations must register their bylaws and the names of their leaders with the MOJ. There was no clear evidence that these registration requirements were being used to discourage or prevent the formation of associations; however, they afford an opening for abuse on the part of the authorities. The law requires that political parties have 50 thousand members nationwide, at least 500 representatives in each of half of the country’s regions, and no fewer than 250 members in each of the remaining regions in order to be registered (see section 3). In addition the finances of registered organizations are subject to investigation by the tax authorities and foreign grants must be registered. The authorities subjected some NGOs to lengthy investigations of their finances or delayed the registration of their foreign financed programs. Some NGOs said that these actions were intended to restrict their activities (see section 4).

A number of senior officials made critical statements during the year that contributed to, and reflected, increased suspicion of NGO activity. For example, at a July 20 meeting of the Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, President Putin stated that he objected to foreign financing of “political activity” in Russia. On May 12, FSB Director Nikolay Patrushev said that foreign NGOs were often used for espionage. In his May 2004 State of the Nation address, President Putin charged that some foreign-funded NGOs existed “to serve dubious groups.”

On November 23, the State Duma passed an initial version of controversial NGO legislation. Elements of the legislation raised concerns that it would hinder the work of NGOs and the continued development of civil society in Russia. The final version of the legislation that was passed by the State Duma on December 23 and the Federation Council on December 27 contained a number of changes from the original version of the legislation. However, many international and domestic NGOs did not believe that the amended legislation fully addressed the concerns that were raised by them and foreign governments. At year’s end President Putin had not signed the legislation.

Authorities in a number of regions continued operations against Hizb ut-Tahrir, which had been banned by the Supreme Court in 2003 as a terrorist organization, despite the organization’s denials that it supported terrorism. For example, in Bashkortostan Republic, Tyumen and Chelyabinsk Oblasts, there were arrests and trials of alleged Hizb ut-Tahrir members. In August eight Hizb ut-Tahrir defendants were sentenced in Ufa, Bashkortostan to prison terms ranging from 3½ to 8½ years on charges of terrorism, forming a criminal group, involving others in terrorist crimes, illegal possession of arms, and sabotage. A ninth defendant was given a suspended sentence. The court hearings started in April.

On August 16, the Supreme Court overturned a June decision by a lower court forcing the closure of the radical National Bolshevik Party. On October 5, the Presidium of the Supreme Court canceled the August 16 decision of the Supreme Court and sent the case back for new hearings. On November 15, the Supreme Court ruled in favor previous Moscow Regional Court’s decision to ban the party.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice; however, the authorities imposed restrictions on some groups. Although the law provides for the equality of all religions before the law and for the separation of church and state, the government did not always respect these provisions in practice.

On April 14, masked paramilitary troops stormed the Work of Faith Church in Izhevsk, Udmurtiya Republic, during a worship service. They reportedly took the worshippers outside, searched them without a warrant, and threatened some of the women with rape. Forty-six persons were detained for as long as 24 hours. Udmurtian officials claimed that there had been no time to get a warrant and that some police officials had been reprimanded for procedural irregularities. According to Udmurtian authorities, the raid was part of a murder investigation involving two former parishioners of the Work of Faith Church.

A 1997 law on "Freedom of Conscience" requires all religious organizations registered under the previous 1990 law to reregister by December 31, 2000. The law provides that a religious group that has existed for 15 years and has at least ten citizen members may register as a "local organization." It acquires the status of a juridical person and receives certain legal advantages. A group with three functioning local organizations in different regions may found a "centralized organization," which has the right to establish affiliated local organizations without meeting the 15-year-rule requirement. In practice the law places a hardship on groups that were previously unregistered and less well established, including groups new to the country. The process, which involves simultaneous registration at the federal and local levels, requires considerable time, effort, and legal expense.

A January amendment to the law requires all registered local religious organizations to inform the Federal Registration Service Department (FRSD) within three days of any change in leadership or legal address, which brought the treatment of religious organizations into conformity with that of other nongovernmental organizations. If a local organization fails to meet this requirement on two occasions, the FRSD may file suit to have it dissolved and stricken from the registry. The law accords no explicit privileges or advantages to the Russian Orthodox Church (ROC) or the other groups formally designated as traditional religions—Judaism, Islam and Buddhism. However, many politicians and public figures argued for closer cooperation with those religions, above all with the ROC's Moscow Patriarchate. Many government officials and citizens appeared to equate Russian Orthodoxy with the Russian national identity. The ROC has a number of formal and informal agreements with government ministries on matters such as guidelines for public education, religious training for military personnel, and law enforcement and customs decisions. These agreements have given the ROC far greater access than other religious groups to public institutions such as schools, hospitals, prisons, the police, the FSB, and the army. Public statements by some government officials and anecdotal evidence from religious minorities suggest that the ROC has increasingly enjoyed a status that approaches official.

The MOJ reported that, as of May 2004, there were 21,664 registered organizations. Local courts largely upheld the right of nontraditional groups to register or reregister. Nonetheless, some religious groups continued to battle denials of registration in the courts. While such cases were often successful, administrative authorities were at times unwilling to implement court decisions. For example, the Moscow regional office of the MOJ has still not reregistered the Moscow branch of the Salvation Army, although the constitutional court found in 2003 that earlier rulings by Moscow courts dissolving the Moscow branch of the Salvation Army were unconstitutional. A court ruling against the Salvation Army's registration in Moscow's Presnenskiy District referred to the Salvation Army as a "militarized organization." A lawyer from the Slavic Center for Law and Justice was working with the Salvation Army at year's end to assist it in registering. The ECHR ruled in June 2004 that the group's complaint that it had not been allowed to reregister was admissible but did not rule on the complaint itself during the year.

The Moscow branch of the Church of Scientology has continued to be denied registration by the Moscow authorities and is facing threats of dissolution. On February 4, a Moscow appeals court ordered regional officials to permit the Church to apply for reregistration and to examine the application on the merits. Since 1997, the Scientology Church in Moscow has been refused reregistration 15 times. In 2003 the Church of Scientology in St. Petersburg filed suit in response to local authorities' repeated refusal to register their branch. A June hearing was postponed for an unspecified time due to the illness of the presiding judge. The latest hearing took place on December 20 during which the judge ruled in favor of local authorities' refusal to register the branch. The ECHR found admissible a suit filed jointly by the Church of Scientology in Surgut, Khanty-Mansiyskiy Autonomous Okrug, and by the Church of Scientology in Nizhnekamsk, Tatarstan Republic, against Russian officials' refusal to register their branches of the church. Local officials continued to refuse to register the Church in Dmitrograd, Izhevsk, Magnitogorsk, and Ufa.

The Church of Jesus Christ of Latter-day Saints has sought without success to register a local religious organization in Kazan, Tatarstan, since 1998.

A more serious legal step than denying registration to an organization is banning, which prohibits all of the activities of a religious community. The June 2004 decision of the Moscow city court resulted in a city-wide ban of the Jehovah's Witnesses. The ban has had far-reaching consequences not just in Moscow. Many local congregations throughout the country reported that rental contracts on their buildings had been cancelled or appeared to be at risk of cancellation. In other instances, such as in 2004 in the Tatarstan Republic and Primorskiy Kray, the Witnesses won appeals that overturned dissolution orders issued by lower courts. The ban on the Is-

lamic organization Hizb ut-Tahrir, which was declared to be a terrorist organization, remained in effect and a number of prosecutions were undertaken (see section 2.b.).

Treatment of religious organizations, particularly minority denominations, varied widely in the regions, depending on the decisions of local officials. In some areas local authorities prevented minority religious denominations from reregistering as local religious organizations, subjecting them to campaigns of legal harassment.

Contradictions between federal and local law in some regions and varying interpretations of the law provided some regional officials with opportunities to restrict the activities of religious minorities. According to many observers, an increasing susceptibility of local governments to discriminatory attitudes and lobbying by majority religions led to discriminatory practices at the local level. However, instances in which local officials detained individuals engaged in public discussion of their religious views remained isolated and were usually resolved quickly.

The issue of juridical status was not the only one faced by minority religious groups. Some local and municipal governments prevented minority religious groups from using venues for large gatherings and from acquiring property for religious uses. Regional and local authorities, as well as businessmen, on a number of occasions refused to lease facilities to local Jehovah's Witnesses communities. Long-standing rental contracts for Witnesses' meeting rooms were cancelled in Moscow, Sochi, Roshchino, Yekaterinburg, Chelyabinsk, Khabarovsk, and Ufa after the ban came into effect. During the year Jehovah's Witnesses religious assemblies were also disrupted or prevented in Yekaterinburg and Archangelsk. Witnesses reported that during the year, in Yekaterinburg, Arkhangelsk and elsewhere, authorities consulted with the ROC concerning meeting requests.

Jehovah's Witnesses reported continuing difficulties obtaining construction permits in Sosnovyy Bor, Leningrad Oblast. Local authorities there refused to let a Witnesses community use land to construct a prayer center, basing their refusal on a March 2004 referendum, in which 90 percent of voters opposed the construction. In Zlatoust, Chelyabinsk Oblast, local authorities withdrew a building permit issued to the Witnesses, and threatened to tear down a new Witnesses' prayer hall.

Various minority religious organizations encountered similar difficulties in obtaining or renovating property. The mayor's office in Krasnodar failed to authorize the Muslim community to build a mosque in the city of Sochi. The Muslim community in Kaliningrad has sought unsuccessfully since 1993 to obtain permission to construct a mosque.

Human rights groups and religious minority groups criticized the federal prosecutor general for encouraging legal action against some minority religions and for giving an official imprimatur to materials that were biased against Jehovah's Witnesses, Mormons, and others. The FSB, the Office of the Prosecutor General, and other agencies conducted campaigns of harassment against some individual Muslims and Roman Catholics, as well as members of some Protestant groups and newer religious movements. Security services continued to treat the leadership of some minority religious groups, particularly Muslims and nontraditional religions, as security threats. Some religious groups were investigated for alleged criminal activity and violations of tax laws, landlords were pressured to renege on contracts, and in some cases the security services were thought to have influenced the MOJ to reject registration applications.

The authorities generally prohibited Islamic services at military facilities, and Muslim conscripts were generally not given time for daily prayers or alternatives to pork-based meals. The authorities permitted ROC chapels and priests on bases. Protestant groups were given limited access to military facilities.

There were occasional reports of short-term detentions on religious grounds, but such incidents were generally resolved quickly. The Jehovah's Witnesses organization reported a number of incidents in which its members were assaulted by other citizens or briefly detained by authorities while conducting lawful preaching activities. From January to April, Moscow police reportedly detained nine Jehovah's Witnesses in five separate incidents.

Human rights groups reported that following the 2004 hostage-taking in Beslan, police activity was stepped up in the northern Caucasus. Increasing numbers of Muslims, both Russian citizens and citizens of the predominately Muslim states bordering Russia, were charged with extremism. Memorial described 23 cases involving more than 80 individuals charged with extremism as "trumped-up." Of these, Memorial reported, 18 resulted in verdicts, only one of which was an acquittal. Some observers said that police harassment of Muslim clerics and alleged militants in the Republic of Kabardino-Balkariya, including torture and the closure of all but one of Nalchik's mosques, were part of the government's reaction to the October 13 rebel attack on Nalchik (see section 1.g.).

Nine female Muslim students at the Kabardino-Balkariya State University were reportedly detained in June and interrogated because they were wearing *hijab* and practicing group study of the Koran, which are against University statutes. The students were subsequently released. On October 22, in Maykop, Adygea Republic, police officers allegedly assaulted and apprehended a group of young Muslims, including the Maykop mosque's imam, as they were leaving a mosque. The imam told a journalist that masked policemen dragged the group to minibuses and took them to the Interior Ministry's Anti-Organized Crime Department where they were beaten and questioned about why they were wearing beards and why they were observing Islamic norms of hygiene. After a night in prison they were taken before a judge who ordered their immediate release.

Some religious personnel experienced visa difficulties while entering or leaving the country. On September 27, border guards at a Moscow airport denied reentry to the rabbi of the Moscow Choral Synagogue, Pinchas Goldschmidt. He has lived in Moscow since 1989 and his family resides in Moscow. The authorities did not tell Goldschmidt why they had annulled his visa. On December 2, Goldschmidt was issued a one-month religious worker's visa and returned to Moscow. His application for a one-year religious worker's visa was pending at year's end. Also by year's end the authorities had not responded to a request by the Dalai Lama for a visa to visit the Republic of Tuva. The Dalai Lama was permitted to visit the Republic of Kalmykia in 2004 after many years of denials. Catholic authorities reported a decrease in visa problems for Catholic priests during the year, although there was a report of one foreign priest whose visa was not renewed.

In March the government denied entry to high-ranking British and Danish Salvation Army officials who sought to attend a church congress. In explaining its decision to deny entry, the Moscow city branch of the federal MVD cited the provision of law under which foreigners may be denied entry "in the interests of state security."

Laws in three regions, Belgorod, Kursk, and Smolensk, forbid foreign visitors from engaging in missionary activity or preaching unless specifically authorized by their visas. According to local religious officials the laws were not enforced.

Restitution of religious property seized by the Communist regime remained an issue. Many properties used for religious services, including churches, synagogues, and mosques, have been returned, and more restitution cases were ongoing. The ROC appeared to have had greater success in gaining restitution of pre-revolutionary property than other groups, although it continued to pursue property claims. The Jewish community was still seeking the return of a number of synagogues, religious scrolls, and cultural and religious artifacts, such as the Schneerson book collection, a revered collection of the Chabad Lubavitch.

Societal Abuses and Discrimination.—While religious matters were not a source of societal hostility for most citizens, members of minority and "nontraditional" religions continued to encounter prejudice, societal discrimination, and in some cases physical attacks. Conservative activists claiming ties to the ROC disseminated negative publications and staged demonstrations throughout the country against minority religions. Some ROC leaders publicly expressed similar views. Authorities usually investigated incidents of religious vandalism and violence, but arrests of suspects were extremely infrequent and convictions were rare. Relations between non-traditional religious organizations and traditional ones frequently were tense, particularly at the leadership level.

Tensions between the ROC and the Catholic Church continued. The ROC often accused the Catholic Church of deliberately proselytizing among ROC faithful.

Popular attitudes toward traditionally Muslim ethnic groups remained negative in many regions, and there were manifestations of anti-Semitism as well as societal hostility toward Catholics and adherents of newer, non-Orthodox, religions. Racially or ethnically motivated attacks have increased significantly in recent years, although it has often been difficult to determine whether xenophobia, religion, or ethnic prejudices were the primary motivation. Ethnic tensions ran high in the predominantly Muslim northern Caucasus, and there were problems in some cities outside that region. Anti-Chechen and anti-"Wahhabist" sentiment increased after each terrorist attack tied to Chechen rebels and spiked in some regions after the September 2004 seizure of a school in Beslan, North Ossetia, in which hundreds of persons, including many children, died at the hands of terrorists (see section 1.g.). Government officials, journalists, and the public were quick to label Muslim organizations "Wahhabi," a term that has become associated with extremism. Such sentiment led to a formal ban on Wahhabism in Dagestan and Kabardino-Balkariya.

Muslim cemeteries and buildings were vandalized in Moscow and other regions. In January and February tombs in Muslim cemeteries in Moscow and Yoshkar-Oly, Mari-El Republic were desecrated. Although several teenagers were detained in the

January incident, the suspects were not charged due to their age. Vandals continued to attack the Tauba mosque in Nizhniy Novgorod. In January swastikas were painted on the mosque walls. The local prosecutor's office did not find grounds to initiate a criminal case. The local Muslim Spiritual Administration appealed to local authorities to guard the mosque. A mosque in Penza was reportedly vandalized on August 22. Anti-Muslim slogans were painted on the wall and a brick was thrown through the window.

The number of underground nationalist-extremist organizations (as distinguished from such quasi-public groups as Russian National Unity) appeared to be growing (see section 5). Their targets included Muslims, Jews, and adherents of minority faiths they considered to be foreign in origin.

There was no progress in the investigation of the January 2004 explosion in a building belonging to a congregation of unregistered Baptists (known as *Initsiativniki*) in Tula Oblast. In September 2004 an *Initsiativniki* church in Lyubuchany, Moscow Oblast burned down. This followed efforts by local law enforcement officers to intimidate participants in an open air gathering for several thousand *Initsiativniki* from all over central Russia sponsored by the Lyubuchany church. The official investigative report on the fire attributed it to arson, but no one was charged in the incident.

Reports of harassment of evangelicals and Pentecostals continued during the year. Observers testified that churches and prayer houses were vandalized in several regions. A group of Pentecostals holding a demonstration on August 10 in Moscow reported being attacked by a group of youths who yelled "Burn the heretics," while assaulting them and destroying their posters. The Slavic Law Center reported that a Baptist Church in Chelyabinsk Oblast was firebombed on April 30. The Jehovah's Witnesses organization reported two incidents in March in which members were physically assaulted by residents where the Witnesses were preaching, leaving one member with a concussion.

An estimated 600 thousand to 1 million Jews live in the country. The Federation of Jewish Communities (FJC) estimates that up to 500 thousand Jews live in Moscow and 100 thousand in St. Petersburg. These estimates significantly exceed the results of the official government census.

Many in the Jewish community said that conditions for Jews have improved, primarily due to the absence of official "state-sponsored" anti-Semitism and because the Jewish community has undergone a major institutional revival. Nonetheless, anti-Semitic incidents continued to occur. The FJC reported an increase in anti-Semitic attacks in late 2004 and the first months of 2005, but reported that this trend did not continue through the rest of the year. The Anti-Defamation League (ADL) reported the overall number of violent attacks against Jews did not rise throughout the year, but that a new trend of increasing public actions, demonstrations, and political statements against Jews had appeared.

On the evening of January 18, in two separate incidents 15 minutes apart, several Orthodox Jews were attacked by a group of skinheads while walking in the vicinity of the Marina Roscha Synagogue. One of the victims required hospitalization. Although police arrested and convicted two suspects of disorderly conduct and of inflicting bodily injuries, the judge found insufficient evidence to recognize racial hatred as an aggravating circumstance. After this incident, and at the request of Jewish leaders, Moscow authorities increased the police presence in the vicinity of Marina Roscha Synagogue.

Several synagogues and Jewish community centers were damaged during the year. On May 10, a fire deemed by the authorities to be arson destroyed the historic synagogue of Malakhovka on the outskirts of Moscow. In December, according to a press report, a suspect was sentenced to four years in prison in connection with the arson. The Jewish community center in the Moscow suburb of Saltykovka was hit by arson on two separate occasions, once in January and once in February. The synagogue in the Perovo district of Moscow was vandalized in January and again in February. In July unknown culprits attempted to start a fire at the Jewish center in Penza and the Jewish Center in Taganrog was vandalized. Many Jewish cemeteries were desecrated, including in Izhevsk, Kazan, Moscow, Tambov, Tver, Smolensk, and St. Petersburg. Authorities in Kazan and Moscow judged the incidents there as hate crimes rather than hooliganism.

Nazi posters reportedly appeared in Petrozavodsk, Karelia Republic, on April 20, the anniversary of Hitler's birthday, and two students were arrested five days later.

In April 2004, according to ADL, two skinheads were arrested for the attack earlier in the month on Aleksey Kozlov in Voronezh. Kozlov is a human rights activist and anti-Semitism monitor. The crime was treated as a misdemeanor, and the case was later closed with no further action taken by the police.

Some State Duma deputies and other prominent figures expressed anti-Semitic sentiments. On January 24, some 500 persons, including 20 State Duma members, wrote to the Office of the Prosecutor General asking that he conduct an investigation of the country's Jewish organizations with the possibility of initiating proceedings to ban them. The letter charged that a Russian translation of a compilation of ancient Jewish law, the *Kitzur Shulchan Arukh*, incited hatred against non-Jews; the letter also accused Jews of ritual murders. The MFA condemned the letter on January 25, as did President Putin in remarks delivered in Krakow on January 27. On February 4, the State Duma passed a resolution condemning the January 24 letter. On March 21, approximately five thousand persons, reportedly including a number of ROC clerics and some prominent cultural figures, signed a similar anti-Semitic letter sent to the Office of the Prosecutor General. A Moscow district prosecutor opened an investigation into the Jewish organization that published the translation, as well as into charges brought by Jewish and human rights organizations that the letters violated federal laws against ethnic incitement, but closed both investigations on June 10 without bringing charges. Later in June, the Moscow city prosecutor ordered the district prosecutor to reopen the investigation into the Jewish organization. The prosecutor closed the investigation again on June 29.

According to the ADL there were several cases against the editors of regional newspapers for publishing anti-Semitic articles. In Ulyanovsk, in January preliminary hearings were held arising out of a criminal case initiated in 2002 against the editor of the local newspaper, *Orthodox Simbirsk*, who ran a number of articles demonizing Jews. The FJC reported that the editor of the newspaper was fired, although the ADL noted that on March 14, Ulyanovsk Governor Morozov promised to provide government financial support to keep the newspaper from going bankrupt. According to ADL, in February the St. Petersburg prosecutor's office reopened a case against "Our Fatherland" which has reportedly published anti-Semitic articles.

Anti-Semitic statements have been legally prosecuted and the government has publicly denounced nationalist ideology and expressed support for legal action against anti-Semitic acts; however, some lower-level officials remained reluctant to call such acts anything other than "hooliganism."

The support of federal authorities, and in many cases of regional and local authorities, facilitated the establishment of new Jewish institutions. Work began on the construction of a complex, on land donated by the Moscow city government, that will house Jewish community institutions including a school, a hospital, and a major new museum devoted to the history of Russia's Jews, the Holocaust, and tolerance.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the government placed restrictions on freedom of movement within the country and on migration.

All adults are issued internal passports, which they must carry while traveling internally, and they are expected to register with the local authorities within a specified time of their arrival at their new location. The authorities often refused to provide governmental services to individuals without internal passports or the proper registration. A government decree enacted in December 2004 extended the grace period for registration given to an individual arriving in a new location from 3 to 90 days; however, immediately following the law's announcement, the Moscow police chief ordered the police to continue its document checks on the streets to verify document authenticity. Darker skinned persons from the Caucasus or Central Asia were often singled out for document checks. There were many credible reports that police arbitrarily imposed fines on unregistered persons in excess of legal requirements and/or demanded bribes from them. The new law does not affect foreigners, who are still required to register within three business days of their arrival in a locality.

Although the law gives citizens the right to choose their place of residence freely, many regional governments continued to restrict this right through residential registration rules that closely resembled the Soviet-era "*propiska*" (pass) regulations. Citizens must register to live and work in a specific area within seven days of moving there. Citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to the country from other former Soviet republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. There were frequent reports of police demanding bribes when processing registration applications and during spot checks for registration documentation. The fees for permanent and temporary registration remained low. Moscow's registration requirement—which some police reportedly used to extort

money—remained in force at year's end. In 2004 Krasnodar Kray authorities enacted a law that extended the definition of "illegal migrant" to include Russian citizens as well as foreign citizens and stateless persons.

While federal law provides for education for all children, regional authorities frequently denied access to schools to children of unregistered persons, asylum seekers, and migrants because they lacked residential registration.

Following the school tragedy in Beslan in September 2004, Moscow police rounded up more than 11 thousand citizens and foreigners on suspicion of living in the city without registration. The round-up led to 840 deportations (see section 1.g.).

Federal authorities restricted the entry of foreigners into many cities, including Norilsk and Novoye Urengoy. While the federal law permits entry restrictions for reasons of state security, according to press reports these cities sought the restrictions because of what authorities described as threats migrants posed to the local economy and society.

Krasnodar Kray authorities continued to deny the 10 thousand to 12 thousand Meskhetian Turks there the right to register as permanent residents, which deprived them of all rights of citizenship to which they were entitled under the law. They and some other small ethnic minorities living in Krasnodar were permitted only temporary registration and were subjected to special restrictions, such as being required to reregister every 45 days.

Krasnodar authorities also attempted to use economic measures to drive out the Meskhetian Turks who were not registered in Krasnodar. According to Memorial, they prohibited the Meskhetian Turks from leasing land, obtaining employment or engaging in commercial activity. The Meskhetian Turks have subsisted by leasing land through local residents with registration, doing so primarily in other districts of Krasnodar Kray but also other regions including Rostov, Volgograd, and Kalmykia. Because of the difficult conditions in Krasnodar, several thousand Meskhetian Turks applied for emigration to a third country, and Krasnodar officials cooperated in facilitating their departure. There have been reports, however, that police continued to arbitrarily fine those who were not emigrating. Human rights NGOs reported that the police stopped and checked persons who looked like Meskhetian Turks, immediately releasing those who declared their intention to emigrate and penalizing others.

The law provides for freedom to travel abroad and citizens generally traveled without restriction; however, there were exceptions. If a citizen had been given access to classified material, police and FSB clearances were necessary to receive an external passport. Persons denied travel documents on secrecy grounds could appeal the decision to an Interagency Commission on Secrecy chaired by the first deputy minister of foreign affairs.

The law prohibits forced exile, and the government did not employ it.

Emigrants who had resettled permanently abroad but were traveling on Russian passports generally were able to visit or repatriate without hindrance.

The law provides all citizens with the right to emigrate, and this right was generally respected. In some cases those trying to depart for countries that had granted them refugee status experienced logistical delays in gaining exit permission.

As of August 31, 15,615 Russian citizens had sought asylum in foreign countries a drop from the 22,046 appeals filed during the first three quarters of 2004. Many persons fleeing Chechnya applied for refugee status.

A 2002 Law on Citizenship, as amended in 2003, made access to citizenship more difficult for most foreigners by requiring possession of a residence permit or *propiska* and five years of uninterrupted residence after the *propiska* is issued. Applicants for citizenship must also demonstrate a lawful source of income, complete an application renouncing any previous citizenship, and establish a knowledge of the Russian language.

Amendments passed in 2002 and 2003 exempted the estimated 1.5 million former Soviet citizens residing in Russia without benefit of citizenship from having to meet most of these requirements. In essence, this reaffirmed earlier provisions that granted citizenship to those with Soviet citizenship who were legally in the Russian Federation as of February 6, 1992. However, the authorities have not always been willing to recognize the acquisition of citizenship on this basis. In December the State Duma and Federation Council passed amendments to the law, extending the deadline for former Soviet citizens to obtain Russian citizenship until January 1, 2008 and simplifying some of the earlier requirements. In addition the legislation extended the right to seek citizenship to those who obtained a resident permit in Russia after January 1, 2002, increasing the number of those potentially eligible for citizenship. At year's end the legislation was awaiting President Putin's signature.

The federal law on the legal status of foreign citizens permits foreigners to stay in the country for the duration of the validity of their visas. Those arriving under

a visa-free regime are permitted to stay for 90 days. The law provides that those wishing to stay in the country may seek permission for a temporary stay of up to three years. This permission is the first step in seeking permanent resident status. In practical terms, however, this option is not available to those arriving without visas, as the process can take six months to complete, well beyond their allowed stay in the country. The law also requires that foreign citizens, with the exception of those from Ukraine, register with those local authorities within three days of their arrival. The law does not include an exhaustive list of documents required for official registration, leaving the MVD considerable discretion in registration matters.

International agreements permit persons with outstanding warrants from other former Soviet states to be detained for periods of up to one month while the prosecutor general investigates the nature of those warrants. This system was reinforced by means of informal links among senior law enforcement and security officials in many of the republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain opposition figures from the other former Soviet republics without legal grounds. According to Memorial, some detainees were kept in custody for more than one month. Authorities detained 12 Uzbek citizens, 1 Kyrgyz citizen, and 1 ethnic Uzbek with Russian citizenship in June on a request from Uzbek authorities. The arrests occurred in the aftermath of violence in the Uzbek city of Andijon. Their relationship to events in Andijon was unclear. They requested asylum in Russia because they feared persecution if they were sent back to Uzbekistan. At year's end the 13 were still in detention, with a judge rejecting their claims that the detentions were illegal. The Russian citizen was released and apparently fled the country. Two other Uzbek citizens were detained in Novosibirsk in November under a similar request from Uzbek authorities. A teacher of Arabic from Uzbekistan was detained in Saratov Oblast and spent a year in custody from 2002 to 2003 before the authorities decided not to carry out the Uzbek warrant of extradition. He was then released, but abducted by unknown parties in July 2004 and transported back to Uzbekistan where he was jailed.

Internally Displaced Persons (IDPs).—As of November 30, 26,883 IDPs from Chechnya were in temporary settlements or in the private sector in Ingushetiya; approximately 30 thousand Chechen IDPs reportedly were elsewhere in the country, and an estimated 200 thousand Chechens were living as IDPs within Chechnya itself. In addition to ethnic Chechen IDPs, almost the entire population of ethnic Russians, Armenians, and Jews left Chechnya during the strife of the past decade.

Throughout 2004 federal and local authorities consistently stated their determination to repatriate all IDPs back to Chechnya as soon as possible. Officials stated publicly that they would not pressure or compel IDPs to return to Chechnya, and Ingush president Zyazikov, whose republic is home to the largest number of Chechen IDPs, promised that accommodation would be found for those remaining in Ingushetiya. However, representatives of the Chechen administration visited camps in Ingushetiya to encourage IDPs to return to Chechnya, usually to temporary IDP facilities. In 2004 the authorities closed the last remaining three tent camps in Ingushetiya, which had housed 5,978 persons. The UNHCR reported that government officials stated their intention to de-register those IDPs who had received compensation from federal assistance lists and indicated that 52 families were de-registered in June. Those who were de-registered faced the threat of eviction from their accommodations in temporary settlements, despite their willingness to pay for the accommodation. Although some of the inhabitants chose to remain in Ingushetiya, the UNHCR estimated that 70 to 75 percent chose to return to Chechnya despite the inadequacy of the temporary lodging.

The UNHCR reported that despite passport checks and occasional security sweeps that continued in IDP settlements, the IDPs were generally able to remain in Ingushetiya without any pressure to return (see section 1.g.). However, other international and domestic organizations expressed concerns during the year over the government's treatment of Chechen IDPs in Ingushetiya. The Norwegian Refugee Council noted that IDPs were frequently denied status as "forced migrants" under Russian law, which severely limited their access to social benefits and protection. Others living in regions outside Chechnya were often denied residential registration by local authorities, in what the council characterized as discriminatory practices against Chechens.

The UNHCR also reported that pro-Russian Chechen authorities undertook an extensive campaign to return Chechen refugees from Georgia, with the first returnees arriving in Chechnya in May. The UNHCR reported that the returns were voluntary.

Protection of Refugees.—The law provides for granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice, the government generally provided protection against *refoulement*, the return of persons to a country where they feared persecution; however, it rarely granted asylum. Individuals who sought entry into the country without proper documentation and who sought to claim asylum were often denied access to the Federal Migration Service by border guards and Aeroflot airlines and often returned them to their countries of origin, including in some cases to countries where they demonstrated a well-founded fear of persecution. The UNHCR stated that many refugee seekers at times faced detention, deportation, fines by the police, and racially motivated assaults, which sometimes even led to the loss of life.

The government cooperated with the UNHCR and the International Organization for Migration (IOM); both organizations assisted the government in trying to develop a more humane migration management system. The UNHCR reported improved communication with the Federal Migration Service on regulatory provisions and practices that do not meet international standards. Through August 31, the UNHCR had registered 414 new cases, or 606 persons, as asylum seekers or refugees. In total it had 3,789 active, registered cases. The government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of the former Soviet Union. Officials and would-be applicants continued to demonstrate widespread ignorance of refugee law.

According to the UNHCR from the beginning of the year through June, the Federal Migration Service granted refugee status to 16 people. From 1993 through June, Russian authorities granted refugee status to 568 persons. From the beginning of the year through July 31, two cases of deportation proceedings were reported to the UNHCR. In one case the deportee successfully appealed to the courts to block the deportation through the intervention of a UNHCR-provided lawyer. In another example, authorities in Tatarstan deported an Uzbek student to Uzbekistan, where he was held incommunicado for 10 days, after he refused to cooperate with them, according to the migrants' rights NGO Civic Assistance. The student was reportedly being pressured to provide false evidence against classmates who were accused of being members of the banned Hizb ut-Tahrir.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The government did not deport them but continued to encourage their return home. Through September 30, the UNHCR resettled a total of 288 persons.

A group of approximately 1,000 to 1,500 ethnic Armenian refugees evacuated from Azerbaijan in the late 1980s due to ethnic violence remained housed in "temporary quarters," primarily in Moscow hotels or workers' dormitories. However, as a result of a UNHCR project that had been providing legal assistance to the Baku Armenians since 2002, by the end of September 2005, approximately 250 of them had received Russian citizenship. An estimated 800 individuals were resettled under a resettlement project run by another government UNHCR's legal assistance project closed in October because all eligible Baku Armenians who were assisted by this project obtained Russian citizenship.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees in the country. The UNHCR reported that undocumented asylum seekers continued to face problems with law enforcement bodies over their status in the country. The government does not issue documents to asylum seekers who are awaiting review of their requests for asylum; consequently, they remain vulnerable to fines and detention, as well as being denied access to government-provided assistance. At Sheremetyevo Airport, authorities systematically deported improperly documented passengers before they were able to file asylum claims with the Federal Migration Service, including persons who demonstrated a well-founded fear of persecution in their countries of origin. Legally bound to provide food and emergency medical care for undocumented travelers, the airlines returned them to their point of departure as quickly as possible; airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh.

During the year the UNHCR reported that there were continued instances of would-be asylees becoming stranded at the Sheremetyevo-2 airport, although authorities began housing them in a nearby hotel rather than requiring they remain in the transit zone. According to the UNHCR there were three cases involving six people who sought asylum upon entering the transit zone of the airport. None of these cases were recognized by either the Federal Migration Service or the UNHCR

as a refugee. Russian authorities deported two people, and the remaining four were transferred to the hotel, where they remained at year's end.

There were 114 points of immigration control (PICs) at border crossings and international airports. To the UNHCR's knowledge, no asylum seeker arriving at Sheremetyevo-2 airport had been accepted as such by the PICs since at least 1999. Most such cases involved labor migrants entering or leaving the country, but a few cases involved asylum seekers. During the year, the UNHCR continued to examine each case and seek resettlement on an emergency basis for those deemed to be in need of international protection.

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; while citizens generally have exercised this right in practice, the March 2004 presidential elections that did not adequately reflect principles necessary for a healthy democratic election, particularly in equal access to the media by all candidates and secrecy of the ballot. A move away from the election of governors to their nomination by the president, subject to confirmation by regional legislatures, led some observers to complain about reduced accountability of regional leaders to those whom they govern. The fact that the president could dissolve a regional parliament that rejected presidential nominations three times further increased this concern. Corruption also limited accountability.

Elections and Political Participation.—Incumbent President Vladimir Putin, who was first elected president in 2000, was reelected in March 2004 by a wide margin. The OSCE, which observed the elections, offered a positive evaluation of the technical conduct of the balloting but concluded that the overall election process, marred by widespread misuse of administrative resources, systematically biased campaign coverage, and inequitable treatment of political parties, failed to meet international standards. Although the legal requirements for televised political debates and free time for party candidates to present their views were observed, the government used its influence over the media, particularly the electronic media, to promote President Putin, resulting in coverage that was heavily biased (see section 2.a.).

In the 2003 parliamentary elections, opposition parties were allegedly hampered in their ability to obtain funding because of fears among potential donors elicited by the investigation and arrest of Yukos CEO Mikhail Khodorkovskiy, a step widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups. The progovernment forces, in contrast, drew heavily on "administrative" resources, using the power and influence of regional and local officials to maximize media coverage and campaign financing. In addition, in some instances local electoral commissions appeared to use it selectively to disqualify local opposition State Duma candidates, leading to a small number of questionable disqualifications. As a result, as noted by the OSCE, the parliamentary elections failed to satisfy a number of international criteria for democratic elections.

In the November 27 parliamentary elections in Chechnya, human rights groups and members of a Parliamentary Assembly of the Council of Europe fact-finding mission who were present on election day alleged that the official voter turnout numbers were artificially high. Human rights groups also concluded that poor security and continuing human rights violations did not allow for a free and fair election in Chechnya. Other reports suggested that results of the election were predetermined in favor of candidates loyal to then Acting Chechen Prime Minister Ramzan Kadyrov, although the Chechen Central Election Commission reported there were no complaints of election law violations filed by parties or candidates.

In the December 4 Moscow City legislative election, most observers did not identify significant electoral violations that would put the electoral results in question, but did note minor violations, such as the expulsion of some observers from polling stations before the final vote count. Some observers criticized Moscow Mayor Yuriy Luzhkov's use of administrative resources to support the United Russia party. Two days before the election, the Supreme Court upheld a Moscow city court decision to bar the Rodina party from the election due to a controversial campaign ad judged to have violated laws about inciting ethnic hatred.

Competitive elections for other regional and local offices were held throughout the year. Most observers viewed these elections as generally free and fair, although there were problems in some regions involving unequal access to the media and the use of administrative resources by incumbents to support their candidacies. The counting of the votes in most locations was professionally done.

Laws enacted and executed during the year, particularly the elimination of direct gubernatorial elections, continued the consolidation of political power in the Kremlin. Laws enacted in May and July changed the electoral system. They specified that

for future nationwide elections, the State Duma will be formed on a strictly party list basis. Electoral blocs will be banned and the requirement for a party seeking representation in the State Duma will be raised from 5 to 7 percent of the vote. According to some experts, the new laws work to the disadvantage of those parties not currently represented in the State Duma. In addition, the electoral legislation limits the domestic observation of federal elections, a provision that may have already created difficulties for NGOs hoping to observe one regional election. The new laws also provide that all regional legislative elections will be held on the same date and established a maximum barrier of 7 percent for parties to enter regional legislatures starting in 2006. Some commentators viewed these new laws as primarily benefiting the pro-presidential United Russia party and as limiting the ability of independent observers to monitor future elections.

The May and July laws followed another Kremlin-backed law enacted in December 2004 that eliminated the direct election of the country's regional leaders. That law provides that republic presidents and regional governors be nominated by the president subject to confirmation by regional legislatures. If a regional legislature fails to confirm the president's nominee three times, the legislature may be dissolved. Regional leaders in power at the time the law entered into force were given the option of either serving out their elected terms or resigning early and seeking a presidential appointment to serve a new term. The president also acquired the power to remove the regional leaders in whom he had lost confidence, including those who were popularly elected. At year's end the new system of choosing regional heads had been used in almost half of the country's regions. The law also increased the president's influence over the federal legislative branch since regional leaders appoint half of the upper house of that legislature, the Federation Council. On December 31, President Putin signed a new law which allows political parties that have won elections to regional parliaments to propose their own candidates for head of a region subject to approval by the president and that region's legislature.

Political parties historically have been weak. Although laws enacted in 2001 and 2002 included a number of measures that enlarged the role of political parties, particularly of established political groupings, they also gave the executive branch and prosecutor general broad powers to regulate, investigate, and close down parties. Other changes increased campaign spending limits, shortened the campaign period, limited the conditions under which candidates could be removed from the ballot, and imposed restrictions on media coverage. A law enacted in December 2004 raised the official membership requirements for political parties from 10 thousand to 50 thousand with at least 500 representatives in half of the country's regions, and no fewer than 250 members in the remaining regions, which may make it difficult for smaller parties to register.

There were 44 women in the 450-member State Duma and 10 in the Federation Council.

National minorities took an active part in political life; however, ethnic Russians, who by some estimates constitute approximately 80 percent of the population, dominated the political and administrative system, particularly at the federal level.

Government Corruption and Transparency.—The country is still to complete the transition from a former communist state to a modern democratic society based fully on the rule of law and a free market economy. Corruption was widespread throughout society, a conclusion supported by domestic opinion surveys, and was extensive in the executive and legislative branches of government. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, extortion, and official collusion in criminal acts. International organizations gave the country poor marks on corruption issues. Many public institutions remained weak. The media lacked a strong tradition of investigative journalism, although a number of journalists throughout the country reported on corruption cases, sometimes resulting in prosecution of the alleged offenders. In general, however, citizens lacked a broad range of outlets to voice their views concerning corruption or to lodge complaints about its existence.

President Putin and senior government officials frequently addressed the issue in public statements, and many jurisdictions throughout the country established local anticorruption committees. Various initiatives were undertaken at the federal level, with indeterminate results. Most anticorruption campaigns tended to be limited in scope and focused mainly on lower level officials. Allegations of corruption were also used as a political tactic, which made it more difficult to determine the actual extent of corruption. No new major corruption convictions occurred during the year. However, there was a widely publicized allegation of major corruption in October involving the videotaped handover of \$1 million (28.5 million rubles) to a federal tax inspector by an official with the Central Bank. Both individuals were charged and remained in detention, but the case had not yet reached court. In June a senior audit-

ing official in the Ministry of Industry and Energy was arrested and indicted for allegedly accepting a bribe; the official was still awaiting trial.

The law authorizes public access to all government information resources unless the information is designated confidential or classified as a state secret, and refusal to provide access to open information or the groundless classification of information as a state secret has been successfully contested in court. However, access to information is often difficult and subject to prolonged bureaucratic procedures.

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

Although a number of domestic and international human rights groups operated in the country, investigating and publicly commenting on human rights problems, official harassment of NGOs increased. Authorities harassed some NGOs that focused on politically sensitive areas during the year, and other official actions and statements indicated a declining level of tolerance for unfettered NGO activity, particularly for those NGOs that received foreign funding. NGOs operating in the Northern Caucasus were at times hampered, although these organizations had wider access than in the past.

The NGO sector in Russia consisted of an estimated 450 thousand registered public associations and non-governmental non-commercial organizations. Experts estimated that 25 percent of them operated on a regular basis. There were several dozen large NGO umbrella organizations as well as thousands of small grassroots NGOs. There was often a large gap between these two categories of NGOs in terms of their organizational capacity. In the regions, NGO coalitions continued to advocate on such issues as the rights of the disabled and of entrepreneurs, environmental degradation, violations by law enforcement authorities, and the war in Chechnya.

Authorities filed criminal charges, tax claims, and a civil suit against the Russian-Chechen Friendship Society (RCFS) in what human rights NGOs said was a campaign to close the organization. On January 11, criminal proceedings were initiated against its *Pravozaschita* newspaper for publishing the statements of Chechen separatist leaders. On January 20, officers from the FSB raided the RCFS's office in Nizhniy Novgorod, seizing documents and computers. Authorities questioned several members of its staff in Nizhniy Novgorod and Chechnya. RCFS executive director Stanislav Dmitrievskiy was charged with inciting hatred or enmity on the basis of ethnicity and religion. The charge carries a maximum of five years imprisonment. In March tax inspectors began an audit of RCFS finances, which concluded that the group owed more than \$35 thousand (1 million rubles) in back taxes for grants it received from foreign donors. On August 26, tax inspectors froze its bank accounts following the RCFS's unsuccessful appeal. On September 15, a judge in Nizhniy Novgorod ordered the accounts to be reopened pending a decision in the group's suit against the tax authorities. In November authorities denied entry into the country of human rights expert William Bowring, who intended to observe Dmitrievskiy's trial. The criminal trial and tax case were continuing at year's end.

Additionally, the MOJ filed a civil suit against the RCFS for failure to provide requested documents. This MOJ request for documents was made simultaneously with an audit by tax authorities, with ministry and tax officials demanding the same sets of original documents. In November a judge ruled in favor of RCFS in the suit brought by the MOJ, upholding the organization's registration. RCFS co-editor Oksana Chelysheva was also personally threatened in leaflets distributed near her home because of her work with RCFS. Authorities opened a criminal case, but no suspects have been identified.

In June authorities ordered the closure of the Nizhniy Novgorod Human Rights Society, a partner organization of the RCFS, on the grounds that it did not submit necessary documentation of its activities to the MOJ.

Authorities pursued legal action against the human rights NGO Chechen Committee for National Salvation (CCNS) during the year. In February the Supreme Court of Ingushetiya ordered a retrial of charges that the NGO violated the law "On Countering Extremism" because its press releases accused authorities of violating human rights. The organization had earlier been acquitted of the charges. Neither the committee's chairman Ruslan Badalov nor his lawyer were notified of the Supreme Court hearing. The retrial began in April, with the court ordering a new expert analysis of CCNS's press releases to determine if they promoted extremism or hatred. According to a human rights NGO the experts reportedly found no extremist content in the press releases and the case was ongoing at year's end.

On August 16, State Duma Deputy Nikolay Kuryanovich, who was criticized in a report by the Moscow Bureau for Human Rights (MBHR), sent a letter to the gov-

ernment asking for the MBHR to be liquidated and accusing it of collaboration with foreign intelligence.

On October 6, investigators from the general prosecutor's office accompanied by MVD officers raided the Moscow offices of Open Russia, an NGO founded and heavily funded by former Yukos CEO Mikhail Khodorkovskiy. The authorities seized documents reportedly related to an ongoing investigation of money laundering and investigation of possible embezzlement by Yukos employees. MVD officers reportedly prevented some of the employees from leaving the building during the raid. At year's end no charges had reportedly been brought against Open Russia as a result of the raid. In the regions, a few local officials harassed human rights monitors, and the government continued its 2002 refusal to renew an agreement with the OSCE Assistance Group, thus preventing the organization from conducting human rights monitoring in Chechnya. In 2003 dozens of men in camouflage raided the Moscow offices of the Soros Foundation's Open Society Institute. Some observers regarded the action as having been government-inspired, while others believed it resulted from a legal dispute between the institute and a businessman. The Open Society Institute has scaled back its presence in the country to a representational office.

Some government officials viewed the activities of some NGOs working on Chechnya with suspicion. For example, on June 15, Lema Khasuyev, the Chechen Republic's human rights ombudsman, stated that he would not cooperate with the human rights NGO Memorial, claiming that it was working in the interests of foreign donors. In his May 2004 State of the Nation speech, President Putin suggested that "far from all [NGOs] are geared toward defending people's real interests. For some of these organizations, the priority is rather different—obtaining funding from influential foreign or domestic foundations. For others it is servicing dubious group or commercial interests . . ."

On January 12, according to press reports, armed men broke into the office of the Information Center of the Council of NGOs in Nazran, Ingushetiya, searching the office without presenting a search warrant and claiming that they had entered because a group of bandits had been seen in the council's office. A man wearing civilian clothes, who claimed to be a member of the regional FSB office, checked the passports of four employees and three visitors in the office. The men also took away some office computers.

A foreign NGO reported that central authorities continued to pressure it and its domestic partner, the VOICE Association for Voters' Rights, during the year. Prosecutors opened an investigation of the Committee of Soldiers' Mothers in November 2004 following the committee's announcement that it intended to meet with Chechen rebel leader Aslan Maskhadov or his emissary Akhmed Zakayev. State Duma deputies had called for an investigation of the group and its finances. Tax inspectors later conducted an investigation, but reportedly found no violations.

At times the government's attitude towards human rights NGOs appeared to depend on the perceived threat to national security or level of criticism that an NGO might offer. In the view of some observers, NGOs working in the Caucasus were especially vulnerable to interference. For example, in April two expatriate staff members of the humanitarian aid NGO International Rescue Committee were denied entry into the country although they had valid passports, visas, and other necessary documents. Officials provided various explanations for the denial, and the two individuals were eventually told they could re-enter the country.

Officials, such as Human Rights Ombudsman Vladimir Lukin, regularly interacted and cooperated with NGOs. Government and legislative officials recognized and consulted with some NGOs on account of their expertise in certain fields, and such groups participated, with varying degrees of success, in drafting legislation and decrees. For example, a network of disability NGOs has worked successfully with local authorities in Moscow and elsewhere in the country on promoting the mainstreaming of students with disabilities into the school system and has engaged closely with both the Ministry of Education and a State Duma working group drafting education legislation.

Regional human rights groups, which generally received little international support or attention, often suffered from inadequate funding. They reported that at times local authorities obstructed their work. They were generally free to criticize government and regional authorities; however, in some areas, the authorities were intolerant of criticism. Local human rights groups in the regions had some opportunities to interact with legislators to develop draft laws; however, local authorities excluded some organizations from the process entirely.

The Siberian Civic Initiatives Support Centers in Omsk and Irkutsk worked with local governments to develop social policies on education, health care, and communal reforms. In the Jewish Autonomous Republic, Amur Oblast, and selected regions in Primorskiy Kray, NGOs worked with local governments to encourage cit-

izen participation in local self-governance on issues related to implementation of the new law on local governance.

Some domestic NGOs involved in human rights advocacy reported receiving death threats from nationalist organizations.

Some international NGOs maintained small branch offices staffed by local employees in Chechnya; however, all of them were based outside of Chechnya (see section 1.g.).

By law every person within the jurisdiction of the Russian Federation may appeal to the ECHR about alleged human rights violations that occurred after May 1998, as long as they have exhausted "effective and ordinary" appeals in the Russian courts. This provision was usually satisfied by two appeals (first and cassation) in courts of ordinary jurisdiction or three (first, appeal, and cassation) in the commercial court system. As of July the ECHR had received more than approximately 22,500 complaints from Russia. Of those, about 14 thousand were declared inadmissible and about 8,500 were pending. More than 600 complaints were communicated to the Federation government, and the court found about 100 complaints admissible. Forty-nine final judgments were rendered, of which 43 were findings of violations. On February 25, the ECHR ruled in favor of six Chechen applicants to the court, finding Russia in violation of several articles of the European Convention on Human Rights and Fundamental Freedoms. In these cases the ECHR found the applicants had no effective remedy in domestic courts. The ECHR rejected a Russian government appeal of the rulings in July (see section 1.g.). The government generally paid money judgments ordered by the ECHR in a timely fashion; however, the Russian government issued blanket refusals in response to ECHR requests for disclosure of the domestic case files relating to alleged gross violations in Chechnya. The ECHR criticized this failure of disclosure.

Human rights institutions that were a part of the government itself rarely challenged government activities, but sought to promote the concept of human rights and to deal with specific complaints of abuses. Human Rights Ombudsman Vladimir Lukin commented on a broad range of human rights problems, such as the treatment of children and the rights of prisoners. Lukin's office had approximately 200 employees and several specialized sections responsible for investigating complaints. During the year the office published various reports on human rights issues such as the rights of conscript soldiers. However, Lukin's role remained primarily consultative and investigatory, without powers of enforcement. At the end of August, 31 of the country's 89 regions had regional human rights ombudsmen with responsibilities similar to Lukin's. However, the effectiveness of the regional ombudsmen varied significantly. In April Lukin reportedly criticized electoral legislation before the Federation Council, stating that his office should retain the right to independently invite election observers. Lukin also expressed concern about the initial drafts of the controversial NGO legislation.

The Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, headed by Ella Pamfilova, and including a number of human rights activists, promoted NGO concerns and worked across a spectrum of contacts to advance human rights throughout the country. For example, at a meeting with President Putin in November, Pamfilova spoke out against controversial draft legislation that would impose restrictions on the work of NGOs. The council, established to replace the president's Human Rights Commission, was widely respected in the NGO community. President Putin met with members of the council and with Pamfilova during the year.

During the year legislation passed creating a Public Chamber of civil society representatives to serve as a link between the government and civil society. The Public Chamber's tasks were to include conducting studies and giving non-binding recommendations to the government and legislature. President Putin chose the first one-third of its members in October. They consisted of a wide range of individuals representing various aspects of civil society. Many observers noted that most of those members were generally supportive of the government. The first 42 members chose the second group in November, and the first two groups chose the final 42, who represented regional organizations, in December. Some prominent human rights groups said they would not participate in the Public Chamber out of concern that the government would use it to increase control over civil society. In December members of Public Chamber spoke out against the initial draft of controversial NGO legislation and asked that the chamber be granted time to examine it.

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

The law prohibits discrimination based on race, gender, language, social status, or other circumstances; however, both governmental and societal discrimination persisted.

Women.—Domestic violence, including spousal abuse, remained a major problem, and law enforcement authorities frequently failed to respond to incidents of domestic violence. An AI report estimated that approximately 36 thousand women were beaten by a husband or partner every day. Official estimates indicated that, on average, more than 250 thousand violent crimes were committed against women annually; however, such crimes usually were not reported. In 2003 32 percent (9,500) of all murder cases were committed by family members against other family members. Research by two sociologists cited in a 2004 report found that 18 percent of respondents were regularly beaten by their husbands, and that more than 60 percent of the beaten women suffered traumas of varying severity. Law enforcement personnel, the legal community, and society as a whole, lacked understanding of domestic violence as a public problem.

There is no legal definition of domestic violence. While the law prohibits battery, assault, threats, and murder, those of its provisions most commonly applied to cases of domestic violence (such as light injury) are not within the jurisdiction of the prosecutor's Office. Following amendments to the law in 2003, victims are required to prosecute such cases without state assistance, and their complaints must meet certain legal requirements, which victims without legal knowledge have difficulty meeting. As a result, few victims were prosecuted and there were few convictions. There are minimal remedies for domestic violence in the civil law; the most common are administrative fines and divorce.

There were 23 crisis centers for women that operated as part of a broader structure of social protection institutions. Crisis services are not focused exclusively on violence against women, although some do offer services to domestic violence victims. NGOs operated centers for victims of domestic violence throughout most of the country. An informal informational network affiliated with the NGO National Center for Prevention of Violence "Anna," received 85 thousand complaints of domestic violence in 2004. During the year "Anna" reported that 22 of the 170 organizations in its network closed, primarily due to lack of financing.

Rape was a problem. Rape, including theoretically spousal rape since the Criminal Code makes no distinction based on the relationship between the rapist and victim, is illegal. In 2004 8,795 rapes were registered, and in the first half of the year, 5,007 rapes were registered. However, according to NGOs, many victims never reported rape due to social stigma and lack of government support. Rape victims can act as full legal parties to criminal cases brought against alleged assailants and can seek legal compensation as part of the verdict without seeking a separate civil action. Although some crisis centers may provide support to rape victims, anecdotal information suggested that women were discouraged from reporting rape cases by crisis center psychologists, who considered the investigation and prosecution process traumatizing; such advice did not reflect official policy. Members of the medical profession, including at hospitals and elsewhere, assisted women who were assaulted. However, to avoid spending long periods in court, some doctors were reluctant to ascertain the details of a sexual assault or collect physical evidence.

Spousal or acquaintance rape was not widely perceived as a problem by society or law enforcement; studies suggested that up to half of women and more men think that women cannot refuse sex in marriage. Women were unlikely to report cases of rape by people they know. Law enforcement and prosecutors held many of the same notions and allegedly did not encourage reporting or prosecution of such cases.

The organization and operation of a prostitution business is a crime, but selling sexual services is only an administrative offense. Prostitution remained widespread in the country, and some observers expressed concern about sex tourism. In addition, there were reports of the police taking bribes from prostitutes and of violence against prostitutes by police.

Trafficking of women for sexual exploitation or forced labor was a serious problem (see section 5, Trafficking).

No law prohibits sexual harassment, and women have no recourse when sexually harassed. Sexual harassment remained a widespread but mostly unacknowledged problem. NGOs operating hotlines reported that women routinely sought advice on the problem. However, due to the lack of legal remedies and limited economic opportunities, many women tolerated the harassment.

Although the law states that men and women have equal rights and opportunities to pursue those rights, credible evidence suggested that women encountered discrimination in employment. Job advertisements sometimes specified sex and age groups, and some ads specified desired physical appearance as well as a preference for applicants open to intimate relations with the prospective supervisor. Employers often preferred to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. According to a 2001 report by the International Labor Organization

(ILO), women accounted for approximately 47 percent of the working-age population but on average earned only two thirds as much as their male counterparts. Professions dominated by women were much more poorly paid than those dominated by men.

Children.—The government was committed to children's rights and welfare; however, the resources it devoted to the welfare of children were limited. Children have the right to free education until grade 11 (or approximately age 17), and school is compulsory until approximately age 15 or 16. Primary education is compulsory, free, and, by law, universal. According to UNICEF statistics, 93 percent of school-age children attended school. The highest level achieved by most children was secondary education. Boys and girls were treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently denied school access to the children of unregistered persons, including Roma, asylum seekers, and migrants (see section 2.d.).

Under the law health care for children is free; however, the quality varied, and individuals often incurred significant out-of-pocket expenses. More than five years after the start of the second conflict in Chechnya, much of that republic's social and physical infrastructure remains destroyed or seriously damaged. As a result, social services for children were inadequate, especially in the education, health and water, and sanitation sectors. These inadequacies, and the continued instability in the region, continued to threaten the health and well-being of children.

Although child abuse was a widespread problem, the majority of child abuse cases were not subject to legal action. The Moscow Human Rights Research Center estimated that approximately 50 thousand children run away from home annually to avoid domestic violence. The Moscow Helsinki Group indicated that each year approximately 2 million children under 14 years of age were victims of domestic violence.

Trafficking in children was a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

There were reports that boys under 18 were detained as part of targeted raids and security sweeps conducted by Russian and pro-Moscow Chechen forces in Chechnya.

Troops in Chechnya reportedly placed Chechen boys ages 13 and older in filtration camps where some reportedly were beaten and raped by guards, soldiers, or other inmates. The women's action group White Kerchief (Belyy Platok) reported that some federal forces kidnapped children in Chechnya for ransom. In September 2004 at least 338 hostages, about half of them children, were killed after terrorists took an estimated 1,200 hostages at a school in North Ossetia (see section 1.g.).

Estimates of the number of homeless children ranged from 2 million to 5 million. According to the MVD, approximately 109 thousand vagrant minors were removed from the streets and public places in the first quarter of 2004 alone.

According to the Moscow Department of Social Security, 12 percent of street children who ended up in shelters have run away from orphanages or boarding schools. Law enforcement officials reportedly often abused street children, pinned the blame for otherwise unsolved crimes on them, and committed acts including extortion, illegal detention, and psychological and sexual violence against them. According to the Public Verdict Foundation, prosecutors refused to bring charges in 80 percent of cases of alleged police misconduct towards such minors. Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the streets turned to, or were forced into, prostitution to survive.

Local and international NGOs provided a variety of services for the homeless. Many Moscow charitable organizations established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. In St. Petersburg, local government and police ran various programs for homeless children and cooperated with local NGOs; however, resources were few and overall coordination remained poor. In St. Petersburg, NGOs ran seven drop-in centers.

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking continued to be a problem. Allegations continued that corrupt government officials facilitated trafficking, although it remained difficult to ascertain the scope of such corruption. The government at all levels remained committed to combat trafficking and prosecutions have increased since the State Duma amended the criminal code in 2003 to specifically outlaw human trafficking and the use of forced labor.

Under the law, if certain aggravating factors are established, trafficking and forced labor are punishable by a maximum of 15 years' imprisonment, recruitment into prostitution by a maximum of 8 years, organization of a prostitution business

by a maximum of 10 years, and manufacture and distribution of child pornography by a maximum of 8 years. On January 1, new witness protection legislation went into effect that provides a mechanism to protect cooperating trafficking victims and their families against traffickers.

Law enforcement agencies increasingly investigated and prosecuted trafficking cases. A senior MVD official reported that he was aware of seven criminal cases involving 36 defendants in the first 6 months of the year; 4 cases involved sex trafficking and 3 involved labor trafficking. The MVD worked closely with foreign governments and continued to assist international human trafficking prosecutions. The MFA developed guidance for consular officers abroad on dealing with trafficking victims and expressed a commitment to assist with the repatriation of trafficking victims. The government cooperated with international trafficking investigations.

There were no reliable estimates of the scope of trafficking, but observers believe it remained widespread. The country continued to be a source, destination and transit country for human trafficking, particularly of women. While women and children were trafficked for sexual purposes, men were also trafficked into the country on a significant scale from former CIS countries, particularly for the construction industry.

According to the IOM, women have been trafficked to almost 50 countries, including every West European country, the United States, Canada, former Soviet republics, and Middle Eastern and Asian countries. Women who were trafficked abroad and returned to Russia seldom reported their experiences to the police, because they feared retaliation by traffickers. Traffickers usually targeted unemployed females between the ages of 14 and 45, with females between the ages of 15 and 25 being the primary targets. Traffickers often lured women with promises of economic opportunities. Some trafficking victims knowingly agreed to work in sex industries. However, all the victims interviewed in the IOM study stated that they never suspected the severity of the conditions and abuse to which they would be subjected.

Reports indicated that internal trafficking, fueled by poverty and unemployment, remained a problem. Women were recruited and transported from rural areas to urban centers typically to work in sex industries.

There were continued reports of child trafficking, primarily for sexual exploitation. The victims were usually homeless children or children in orphanages. There are no reliable estimates of how many children were trafficked. The country has become a major producer and distributor of Internet child pornography, leading to confirmed cases of child sex trafficking and child sex tourism.

Information from foreign prosecutions, academic researchers, and law enforcement sources suggested that criminal groups carried out most trafficking with the assistance of front companies and more established organized crime groups. Typically, the traffickers used a front company—frequently an employment agency, travel agency or modeling company—to recruit victims with promises of well-paying work overseas. Many placed advertisements in newspapers or public places for overseas employment, some employed women to pose as returned workers to recruit victims, some placed Internet or other advertisements for mail order brides, and some victims were recruited by partners or friends. Once the victims reached the destination country, the traffickers typically confiscated their travel documents, kept them in a remote location, and forced them to work.

Reports indicated that employers or traffickers withheld workers' passports or other documentation. They threatened workers with deportation or prosecution if they demanded compensation. One trafficking researcher indicated that some local police cooperated with employers to "shake down" such workers to deprive them of their wages. Traffickers often used their ties to organized crime to threaten victims with harm to their families should they try to escape. They also relied on ties to organized crime in the destination countries to prevent the victims from leaving and to find employment for the victims in the local sex industry. Trafficking organizations typically paid domestic organized crime entities a percentage of their profits in return for "protection" and for assistance in identifying victims, procuring false documents, and corrupting law enforcement.

Journalists, politicians, NGOs, and academic experts stated that corrupt elements in the MVD and other law enforcement bodies facilitated and, in many cases, controlled trafficking. In addition, individual government officials reportedly took bribes from traffickers in return for false documents and facilitating visa fraud. Law enforcement sources agreed that document fraud was often committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal activity. There were reports of prosecutions of officials involved in such corruption.

Many of the more than 120 crisis centers and antitrafficking NGOs throughout the country disseminated information on trafficking, and many provided assistance

to victims. NGOs rescued victims and helped them to reintegrate upon return to the country. Such NGOs received varying degrees of support from regional and local governments. Some were invited to brief local officials and law enforcement personnel, and some provided training to local crisis centers and hospital staff. The State Duma Committee on Legislation involved a variety of NGOs in developing antitrafficking legislation.

Shelters run by local NGOs provided assistance to trafficking victims.

The government had no official comprehensive trafficking prevention program but continued to sponsor events designed to raise public awareness of the dangers of trafficking. The State Duma, with the support of the Presidential Administration, sponsored seven regional conferences designed to teach law enforcement officers, NGOs, and public officials about relevant laws and to encourage closer cooperation between police and NGOs. The MVD sponsored three "Train the Trainer" conferences for MVD training officers from regional academies throughout the country employing experts to develop well-trained antitrafficking investigators.

Persons with Disabilities.—Several existing laws are intended to prohibit discrimination against persons with disabilities or to establish conditions of equal rights for them; however, the government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and were denied equal opportunity to education, employment, and access to social life. Overall, the situation for persons with disabilities has reportedly worsened since the passage in August 2004 of a law which replaced government subsidies for such items as transportation and medicine with cash payments. Some affluent regions like Moscow preserved benefits for the disabled at preexisting levels, but other regions discontinued them.

According to the ministries of education and of health and social development, there were an estimated 12.2 million persons with disabilities, of whom approximately 640 thousand were minors. Persons with disabilities were generally excluded from the social and political life of their communities and isolated from the mainstream community.

The residents of disabled adult institutions were mainly "graduates" of the institutions for children. Institutions often did not attempt to develop the abilities of the interned persons. The residents were frequently confined to the institutions and sometimes movement within the institutions was restricted. The use of psychotropic drugs as punishment was allegedly widespread. Conditions in the institutions were often poor, with unqualified staff and overcrowding.

Laws prescribe penalties for enterprises that fail to build ramps or other accessible features but contain no enforcement mechanisms. Federal law on the protection of persons with disabilities requires that buildings be made accessible to the disabled, but the penalties for enterprises that failed to observe these requirements were not enforced and in practice most buildings were not accessible.

Approximately 90 percent of disabled persons were unemployed. Legislation providing employment quotas exists at the federal and local levels; however, some local authorities and private employers continued to discourage persons with disabilities from working, and no fine was mandated for not honoring these quotas.

The authorities generally segregated children with disabilities from mainstream society. A complex and cumbersome system has developed to manage the institutionalization of children until adulthood. Observers concluded that issues of children's welfare were lost within the bureaucracy, and little clear recourse existed in instances of abuse by the system. Human rights groups alleged that children in state institutions were provided for poorly and in some cases were physically abused by staff members. Life after institutionalization also posed serious problems; "graduates" often lacked the necessary social, educational, and vocational skills to function in society.

The assignment of categories of disability to mentally disabled children often followed them throughout their lives. The labels "imbecile" and "idiot," which are assigned by a commission that assesses all children with developmental problems at the age of three, and which signified that a child was uneducable, almost always was irrevocable. Even the label of "*debil*"—lightly retarded—followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or caregivers, but no one advocated for the rights of institutionalized children.

Youths with disabilities not in institutions faced significant barriers to education, including lack of access to schools. Education authorities often tried to keep youths with disabilities out of school due to lack of special programs. At the same time, the "home program" for children with disabilities was highly inferior to school classes. The majority of teachers and administrators in schools and universities had little

or no understanding of disability issues. Parents of children without disabilities were often averse to their children studying with children with disabilities.

According to government reports, of approximately 400 thousand school-aged children with disabilities, approximately 170 thousand did not receive any education. Of the approximately 230 thousand who received an education, 137 thousand attended regular schools, 33,500 studied at home, and 60 thousand attended special schools. Because special schools comprised only 3 percent of all schools, most children with disabilities could not study in the community where they lived, were isolated from other members of the community, and received an inadequate education.

Disabled persons faced barriers to participation in political life, including inaccessible government buildings. The election laws contain no special polling-place accessibility provisions for persons with disabilities, and the majority of polling places were not accessible to them. However, the use of mobile ballot boxes permitted them to vote at home, although they thus lacked the access to information about candidates that was available at the voting place.

The government bodies specifically charged with protecting human rights also protect the rights of persons with disabilities. These include the human rights ombudsman and the regional ombudsmen, the Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, and the prosecutor's office. These bodies have carried out a number of inspections in response to complaints from disability organizations and in some cases have subsequently appealed to the responsible agencies to remedy the situation. For example, the human rights ombudsman has conducted inspections of children's homes for mentally disabled children, which disclosed severe violations of children's rights and the existence of substandard conditions.

National/Racial/Ethnic Minorities.—The law prohibits discrimination based on nationality; however, Roma, persons from the Caucasus and Central Asia, and dark skinned persons and foreigners faced widespread governmental and societal discrimination, which was often reflected in official attitudes and actions (see section 1.c.). Skinhead groups and other extreme nationalist organizations fomented racially motivated violence. Muslims and Jews continued to encounter prejudice and societal discrimination, although it was often difficult to separate religious from ethnic motivations (see section 2.c). Human rights observers noted that racist propaganda and racially motivated violence are punishable by law, but despite some increases in law enforcement efforts, the law was employed infrequently. However, the authorities demonstrated an increased awareness of the problem. For example, on September 27, President Putin stated: "We will step up the law enforcement agencies' work in this area and will do all we can to make sure that skinheads and fascist-minded groups are no longer a part of this country's political landscape."

Federal and local measures to combat crime continued to be applied disproportionately to persons appearing to be from the Caucasus and Central Asia. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Ethnic Azerbaijani vendors alleged that police frequently used violence against them during document checks at markets in St. Petersburg.

Authorities in Moscow subjected dark-skinned persons to far more frequent document checks than others and frequently detained them or fined them in amounts that exceeded legally permissible penalties. Police often failed to record infractions against minorities or to issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. In March the Institute for War and Peace Reporting noted that police arrested illegal migrant workers from Central Asia and illegally took their money and then took the workers to the outskirts of Moscow instead of deporting them. This practice reportedly allowed the police to pocket the cost of the deportation and leave the workers in Moscow for future arrests.

A report by the European Roma Rights Center issued in May noted "alarming patterns" of human rights abuse of Roma in the country. The report also asserted that the magnitude of the abuse was only comparable to that of the impunity of the perpetrators. The report said that the media's frequent association of Roma with drug dealing provided the context for many of the human rights violations against them. It provided evidence of widespread police violence against Roma and noted that the abuse was rarely reported to higher authorities.

On February 14, approximately 400 members of the Romani community fled the village of Iskitim, Novosibirsk Oblast, after a group of armed men attacked and burned a number of Romani houses in the village. According to NGOs, similar attacks took place in the village in January 2005 and December 2004. Members of the Romani community indicated that in the aftermath of those incidents, law enforcement and municipal authorities had done nothing to prevent further attacks. The

police eventually arrested seven suspects and the Novosibirsk regional prosecutor's office took over the investigation. The case had reportedly not gone to court by year's end. There were also reports that warrants were issued for nine other suspects. On the night of November 10 two more Romani houses in Iskitim suffered arson attacks, in which a Romani woman and her child sustained injuries. The child later died from the injuries received during the attack.

There was also evidence of hostility on ethnic and racial grounds within the society at large. Despite appeals for tolerance during the year by senior officials, violence and societal prejudice against ethnic and national minorities, as well as against foreigners, remained a problem. In the view of some experts and human rights leaders, this phenomenon worsened, but others insisted that it reflected better reporting and greater media attention.

During the year numerous racially motivated attacks took place against members of minority groups and foreigners, particularly Asians and Africans. In some cases, observers believed the attacks were racially motivated. According to MVD statistics, 11,100 crimes were committed against foreign citizens and persons without citizenship from January to October. For example it was reported that on July 9, about a dozen skinheads beat a Vietnamese man to death in a Moscow park. On September 14, a Congolese student was killed in St. Petersburg. A year ago the same student was attacked and hospitalized, at which time he gave evidence that the attack was racially motivated. On October 9, in Voronezh, a Peruvian student was killed and two other students, from Spain and Peru, were badly injured when a group of youths attacked them. There had been several previous attacks on attacks on foreigners in Voronezh. Later in October, the authorities charged a Russian student with murder and another 13 youths with lesser crimes for participating in the attack.

Not all of the attacks against foreigners were fatal. On February 11, two Korean students were attacked and hospitalized in St. Petersburg. On March 14, four skinheads attacked an African student of a pedagogical university in Lipetsk. On March 26, a Chinese student was attacked during daylight on a major city street in St. Petersburg. According to the MVD, 557 crimes against foreigners were registered in St. Petersburg during the first seven months of the year. The city administration appeared to have begun to take hate crimes more seriously, but law enforcement agencies did not do enough to address the issue, in part because they lacked the necessary resources and, in some cases, because some working-level staff sympathized with the nationalistic causes.

Private individuals or small groups that espoused racial hatred generally carried out such attacks. Law enforcement authorities knew the identity of some of the attackers based on their racial intolerance or criminal records. During the year members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by skinheads and members of other racist and extremist groups. Police investigations of such cases were frequently ineffective and authorities were often reluctant to acknowledge the racial or nationalistic element in the crimes. Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by the police, chose not to report such attacks or experienced indifference on the part of police.

Skinhead activity continued to be a serious problem. Skinheads primarily targeted foreigners and individuals from the Northern Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments and hostility toward adherents of "foreign" religions (see section 2.c.). According to the MVD, neofascist movements have approximately 15 thousand to 20 thousand members, of which over 5 thousand were estimated to live in Moscow. According to the MHBR, there were approximately 50 thousand skinheads in 85 cities. Skinhead groups were particularly numerous in Moscow, St. Petersburg, Nizhniy Novgorod, Yaroslavl, and Voronezh. According to one report, from January to early December skinheads attacked 125 people in Moscow, and 8 of the victims died.

There were indications that the authorities were increasingly willing to acknowledge racial, ethnic, or religious motivations for such criminal acts. For example, in St. Petersburg authorities have recently been willing to acknowledge the role of ethnic hatred in such crimes. Between January and July, 13 physical attacks were officially declared to have been motivated by racial or ethnic hatred. In all cases the attackers wore skinhead attire or proclaimed nationalist slogans. In September, for the first time, a Primorskiy Krai jury convicted a defendant of a crime motivated by ethnic hatred. Skinhead leader Ivan Nazarenko was found guilty of murder motivated by ethnic hatred for the killing of a Korean man in September 2004 and sentenced to 13 years' imprisonment. The same jury acquitted Nazarenko of the 2004 murder of a Chinese citizen.

In August five skinheads were convicted of murdering migrants in Surgut, Khanty-Mansiysk Okrug. Two of the teenage defendants were sentenced to 9 years, the rest to 8½ years for murdering an Azeri and four Tajiks in separate incidents December 2003 and September 2004. The skinheads reportedly attacked and beat to death or stabbed people of a non-Slavic appearance on the streets with the aim of “cleansing the city.” They allegedly confessed to the killings during the investigation but withdrew their confessions in court.

Also in August three skinheads were sentenced to one year imprisonment for assaulting ethnic Yakuts in Yekaterinburg. According to media reports, this was the first conviction for a hate crime in Sverdlovsk Oblast. In St. Petersburg, the trials of eight young men accused of attacking a Tajik family of three in 2004 continued, stabbing a 9-year-old Tajik girl to death. Only one of the men alleged to have been involved was being tried for murder.

In June 2004 Nikolay Girenko, an expert on hate crimes and senior researcher of the Museum of Anthropology and Ethnography at the Russian Academy of Sciences, was killed in his apartment in St. Petersburg. Shortly after his killing, a previously unknown organization, “Russian Republic,” pronounced a death sentence on Girenko on its website and announced that the sentence had been carried out. St. Petersburg prosecutors reportedly issued a summons to the authors of the “Russian Republic” website, but according to an NGO, those behind the website had decided to ignore the summons. There continued to be no indication that the authorities had arrested any suspects in connection with Girenko’s killing.

In March Pavel Ivanov resumed publication of *The Russkoye Veche*, a Velikiy Novgorod newspaper that printed articles hostile to minorities. Ivanov had been charged in 2002 with inflaming ethnic hatred and in February 2004 the court found him guilty and banned him from publishing for three years. Ivanov appealed the ruling and the ban was replaced with a \$350 (10 thousand rubles) fine.

Indigenous People.—The law provides for support of indigenous ethnic communities; it permits them to create self-governing bodies and allows them to seek compensation if economic development threatens their lands. In some regions local communities organized to study and make recommendations regarding the preservation of indigenous cultures. Groups such as the Buryats in Siberia and ethnic groups of the North (including the Enver, Tatarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as the economic resources of their regions. Most affirmed that they received the same treatment as ethnic Russians, although some groups believed they were not represented or were underrepresented in regional governments. The principal problems of indigenous people remained the distribution of necessary supplies and services, particularly in the winter months for those who lived in the far north, and claims to profits from exploitation of natural resources.

According to an NGO in the Russian Far East, Aleuts on the remote Commander Islands were beginning to work in partnership with the local nature preserve. The local Aleut population and the nature preserve had been in dispute over the Aleuts’ right to hunt protected seals.

Members of the Finno-Ugric Mari ethnic group were subjected to attacks. In late May a website reported that a group of 30 Russian skinheads beat up 15 leading Mari cultural figures in the republic’s capital, Yoshkar-Ola. Mari opposition figures claimed that officials of the Mari-El Republic had instigated the attacks through the extremist Russian National Unity organization. On August 27, unidentified assailants attacked Vasilii Petrov, chairman of the Youth Organization of Finno-Ugric Peoples, in his home village in Mari-El, according to the Information Center of Finno-Ugric Peoples. In May the European Parliament adopted a resolution criticizing Russia for violating the rights of the Mari. According to press reports, Russia in June blocked the release of a report by the Parliamentary Assembly of the Council of Europe that was critical of human rights abuses in the Republic of Mari-El.

Other Societal Abuses and Discrimination.—Persons with HIV/AIDS often encountered discrimination. Federal AIDS law contains antidiscrimination provisions, but these were frequently not enforced. HRW reported that HIV-positive mothers and their children faced discrimination in accessing healthcare, employment, and education. Persons with HIV/AIDS found themselves alienated from their families, employers, and medical service providers. For example, a 2003 study of 470 citizens with HIV found that 10 percent had been forced to leave home by their families, 30 percent had been refused health care and 10 percent had been fired.

Although homosexuality is not illegal, many male homosexuals continued to suffer discrimination from all levels of society. Medical practitioners continued to limit or refuse their access to health services due to intolerance and prejudice. According to recent studies, male homosexuals were often refused work due to their sexuality.

Openly gay men were targets for skinhead aggression, which was often met with law enforcement indifference.

Section 6. Worker Rights

a. The Right of Association.—Although the law provides workers with the right to form and join unions, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 46 percent of an estimated work force of 69 million workers was unionized, and approximately 90 percent of union members belonged to the FNPR.

The FNPR and other trade union federations acted independently on the national political level, but in some cases FNPR unions were affiliated closely with local political structures, giving FNPR advantages over unions without such established political ties. FNPR unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses.

While the law requires unions to register and specifies that registration requires a simple “notification” and submission of documents to the authorities, in practice many unions remained unregistered because local departments of the MOJ throughout the country continued to ignore the established procedures and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. As a result, new organizations remained unregistered and existing organizations that had been required to reregister had not done so. Unregistered unions faced operational constraints, such as difficulty in opening bank accounts and collecting fees.

The law specifically prohibits antiunion discrimination, but it remained a problem. Union leaders were at times followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demonstrations.

b. The Right to Organize and Bargain Collectively.—The rights of unions to conduct their activities without interference and the right to bargain collectively are recognized in law but other legal provisions give employers a strong role in dealing with labor relations. The law makes collective bargaining mandatory if either employer or employees request it; it obliges both sides to enter into such negotiations within seven days of receiving a such a request; and it sets a three-month time limit for concluding such agreements. Unresolved issues are to be included in a protocol of disagreement, which may be used to initiate a collective labor dispute. Despite these requirements, however, employers continued to ignore union requests to negotiate collective bargaining agreements. In July St. Petersburg dockworkers went on strike to protest management’s refusal to sign a collective bargaining agreement.

Labor experts have criticized provisions in the law that favor the designation of a majority union as the exclusive bargaining agent, a provision that favors larger unions. They have also voiced concern about such provisions of the Labor Code as the stipulation that there be only one collective agreement per enterprise, covering all employees, which limits the ability of professional or “craft” unions (the majority of new unions in the country) to represent their members’ interests. In May the ILO Committee on Freedom of Association renewed its request to the government that it amend the Labor Code to allow collective bargaining at the occupational level.

According to the International Confederation of Free Trade Unions, a 2004 law on commercial secrets specifies that information on wages in commercial companies is a commercial secret. Lack of access to this information disadvantaged unions engaged in collective bargaining.

Although collective bargaining agreements had been officially registered only by an estimated 16 to 18 percent of enterprises, the FNPR claimed that approximately 80 percent of its enterprises had concluded such agreements. This apparent discrepancy appeared to be due in part to agreements that were concluded but not registered with the Ministry of Labor. The law states that collective agreements become effective upon signature, regardless of whether they are registered or not.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal because they violated one or more of the exceedingly complex procedures governing disputes. A strike may be called at an enterprise only after approval by a majority vote at a conference composed of at least two-thirds of all personnel, including management.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition, most public sector employees could not strike and other provisions were often manipulated to prevent many would-be strikers from walking off the job. Strike actions were further discouraged by the fact that civil courts have the right to order confiscation of union property to settle damages and losses to an employer if a strike is found

to be illegal and not discontinued before the decision goes into effect. As a result, labor actions were often organized by strike committees rather than by unions.

Although there were several strikes during the year, there were no prolonged strikes. Statistics were not available for the informal labor actions, which were more common. Court rulings have established the principle that nonpayment of wages—estimated to be the cause of 90 percent of labor disputes—is an individual matter and cannot be addressed collectively by unions. As a result a collective action based on nonpayment of wages was not recognized as a strike. The law does not protect individuals against being fired while on strike.

The law prohibits strikes in the railway and air traffic sectors, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions at times resorted to other forms of protest, such as rallies, days of action, or hunger strikes. The law prohibits reprisals for strikes, but reprisals were common and included threats of night shifts, denial of benefits, blacklisting, and firing.

There are no export processing zones. There are no special labor laws or exemptions from regular labor laws in the special economic zones and free trade zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. According to credible reports, significant numbers of illegally employed migrants from other countries of the former Soviet Union were forced to work without pay because the firms that brought them into the country held their passports (see section 5). According to an ILO study, employers of illegal migrants withheld passports in 20 percent of forced labor cases.

Most wages of the 7,500 North Koreans reported by the authorities to be employed in the Russian Far East were withheld until the laborers returned home, making the workers vulnerable to deception by North Korean authorities who promised relatively high payments. There were reported incidents throughout the year of military officers forcing soldiers under their charge to work for private citizens or organizations, often under abusive conditions. AI has charged that a 1995 bilateral agreement with North Korea allowed the exchange of free labor for debt repayment, although the government claimed that a 1999 intergovernmental agreement gave North Koreans working in the country the same legal protections as citizens.

In August 2004 the television station Rossiya reported that dozens of workers died at a slave labor camp in Western Siberia, where the owners of a logging company reportedly decided to increase their profits by using slave labor. The Kemerovo regional prosecutor's office was trying the case at year's end.

The law prohibits forced or bonded labor by children; however, such practices reportedly occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government did not effectively implement laws and policies to protect children from exploitation in the work place. The law prohibits most employment of children under the age of 16 and regulates the working conditions of children under the age of 18, including banning dangerous nighttime and overtime work; however, the Federal Labor and Employment Service and the MVD, which are responsible for child labor matters, did not enforce these laws effectively. Children are permitted, under certain conditions and with the approval of a parent or guardian, to work at the age of 14. Such work must not threaten the health or welfare of the children. The Federal Labor and Employment Service, under the auspices of the Ministry of Health and Social Development, is responsible for routinely checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2004 approximately 8,300 cases of child labor violations were reported. Most serious violations of child labor and occupational health standards were believed to occur in the informal sector. Local police investigations only occurred in response to complaints.

Accepted social prohibitions against employment of children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. Nonetheless, children working and living on the streets remained a problem. Parents often used their children to lend credence to their poverty when begging or had them beg. Homeless children were at heightened risk for exploitation in prostitution or criminal activities (see section 5). Trafficking of children was also a problem (see section 5).

e. Acceptable Conditions of Work.—The monthly minimum wage, essentially an accounting reference for calculating transfer payments, increased to \$28 (800 rubles) on September 1, up from \$26 (720 rubles). The monthly official subsistence level of approximately \$86 (2,451 rubles) was not sufficient to provide a decent standard of living for a worker and family. Approximately 18 percent of the population had in-

comes below the official subsistence minimum. Average wages rose to approximately \$304 (8,655 rubles) per month, compared with approximately \$250 (7,126 rubles) per month in 2004.

The law provides a standard workweek of 40 hours, with at least one 24-hour rest period, and requires premium pay for overtime work or work on holidays; however, workers complained that employers required them to work in excess of the standard workweek, abrogated negotiated labor agreements, and of forced transferred them against their will.

Although nonpayment of wages declined, especially in the public sector, it continued to be the most widespread abuse of labor legislation. For example, the ITAR-Tass news agency reported on December 8 that utility workers in the town of Kimovsk, Tula Oblast, had begun a second week of "industrial action" to protest \$400 thousand (11 million rubles) in unpaid wages. Wage arrears through July totaled \$390 million (11.1 billion rubles), 50 percent less than the same period in 2004.

The law imposes penalties on employers who pay their employees late or make partial payments and requires them to pay two-thirds of a worker's salary if the worker remains idle by some fault of the employer. Proving that an employer was at fault, however, was difficult. Courts often were willing to rule in favor of employees seeking payment of back wages, but collection remained difficult. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. Individually filed cases made for a lengthier process, one more difficult for the individual worker, and one that left them more exposed to possible retaliation (see section 6.b.).

Although the law establishes minimum conditions for workplace safety and worker health, the government did not allocate sufficient financial and human resources to enforce these standards effectively. In many cases, workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, emergency exits were locked, and smoking was permitted near containers of flammable substances.

The law provides workers the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, the government did not effectively enforce this right. The risk of industrial accidents or death for workers decreased but remained high. For the first half of the year, there were 1,960 work-related deaths, down from 2,021 in the first half of 2004.

The law entitles foreign workers residing and working legally in the country to the same rights and protections as citizens, and the law prohibits forced or compulsory labor; however, foreign workers reportedly were brought into the country to perform such labor (see section 6.c.). Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports that hundreds of thousands of citizens of other CIS countries worked illegally in Moscow and other larger cities for lower wages than citizens and under generally poor conditions. There were reports that police abused and defrauded illegal migrant workers who were minorities (see section 5).

SAN MARINO

San Marino, with a population of approximately 28 thousand, is a democratic, multiparty republic. The popularly elected parliament, the Great and General Council (GGC), selects two of its members to serve as Captains Regent (co-heads of state). They preside over meetings of the GGC and the cabinet (congress of state), which has no more than ten other members (secretaries of state) who the GGC also selects. The most recent parliamentary elections held in 2001 were free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers, but there were none 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 Ministry of Interior controls the civil police, who are responsible for domestic security, traffic, and civil defense. The Ministry of Foreign Affairs controls the gendarmerie and the national guard, who are responsible for the protection of the national borders and the security of public buildings and who act in coordination with the civil police in the prevention of crime and the maintenance of public order.

The security forces are adequately staffed and effective in maintaining law and order. There were no reports of corruption involving members of the security forces. Impunity was not a problem. Investigations of police abuse are usually assigned to one of the three police forces not involved in the case. There were no instances where police failed to prevent or to respond to societal violence during the year.

Arrest and Detention.—Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. The law provides a detainee with the right to a prompt judicial determination of the legality of his detention, and the authorities generally respected this right in practice. There is a well functioning bail system. Detainees are allowed prompt access to family members and to a lawyer of their choice; the state provides legal assistance to indigent persons.

There were no reports of political detainees.

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

The judiciary is composed of the commissioner of the law, the judging magistrate, the appellate judge, the juvenile court, and the judge of last appeal. The commissioner tries civil and penal cases with penalties not exceeding a three-year sentence. The judging magistrates, who are appointed by parliament for a three-year term and can be indefinitely reappointed, preside over all other cases.

Reform legislation, enacted in 2004, no longer requires that the country's lower court judges be noncitizens; however, most lower court judges remained Italian citizens. A local conciliation judge handles cases of minor importance. Under the same reform, the final court of review is the judge of the last appeal. In civil matters, this judge confirms or overrules either the lower court judgment or an appellate decision; in criminal matters, he judges on the legitimacy of detention measures and on the enforcement of a judgment.

On April 28, a new act established the country's constitutional court with the following functions: 1) to verify that laws, acts, and traditions that are given the force of law conform to constitutional precepts; 2) to verify the admissibility of a referendum; 3) to decide on conflicts between constitutional institutions; 4) to control the activity of the Captains Regent. The court is composed of three standing judges and three alternate judges. They are selected by the GGC with a two-thirds majority to a four-year term. After the first selection one-third of the members of the court are reselected every two years.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and are presided over by a single judge. There are no provisions for a jury trial. Defendants have the right to be present and to consult with an attorney even during preliminary investigations. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. They have access to government-held evidence relevant to their cases. They enjoy a presumption of innocence and have the right to two levels of appeal.

In case of legal actions against military personnel, a civil judge is temporarily given a military grade and assigned to an ad hoc military tribunal.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

The Catholic Church receives direct benefits from the government through income tax revenues; taxpayers may request that 0.3 percent of their income tax payments be allocated to the Catholic Church or to “other” charities, including two religions (the Waldesian Church and Jehovah’s Witnesses).

The government does not require official recognition, registration, or license for religious groups. However, it requires legal status for tax or other commercial purposes. While a concordat with the Holy See regulates relations with the Catholic Church, other religions, such as the Baha’is and Jehovah’s Witnesses are included in a registry of cultural associations.

Societal Abuses and Discrimination.—There were fewer than 12 Muslims and no known Jewish citizens in the country. During the year there were no reports of any violence or discrimination against religious minorities or anti-Semitic acts.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government may grant refugee status or asylum by an act of the cabinet. For humanitarian reasons, the government granted a year permit of stay to an Eritrean woman and her two children, which will expire in April 2006.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

Elections and Political Participation.—Most recent elections held in 2001 were considered free and fair. The Christian Democratic Party (DCS) obtained 25 of the 60 Parliamentary seats and confirmed the government alliance with the Socialist Party (PSS), which won 14 seats. However, a period of political instability ensued, and several short-lived governments were elected through 2003, when the present large coalition government including the DCS, PSS, and the Party of Democrats, the third largest party with 12 parliamentary seats, was elected. The next general elections are expected to take place in April or May 2006.

There were nine women in the 60-seat parliament and one woman in the eight-seat cabinet.

There were no members of minorities in the government.

Government Corruption and Transparency.—There were no reports of corruption by public officials during the year.

The law provides for public access to government activity and the government provides access for citizens and noncitizens through the GGC’s Web site.

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

There were no domestic human rights organizations, although the government does not restrict their formation. The government declared itself open to investiga-

tions of alleged human rights abuses by international nongovernmental organizations, but there were no known requests during the year.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Women.—Violence against women, including spousal abuse, was rare. The law prohibits violence against women, and the government effectively enforced it. During the year there were no reports of violence against women. The penalty for spousal abuse is two to six years' imprisonment. In the case of aggravating circumstances the penalty is 4 to 10 years' imprisonment.

Rape was very rare. During the year there were no reports of rape. Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. The penalty for rape is two to six years' imprisonment. In the case of aggravating circumstances the penalty is 4 to 10 years' imprisonment.

Prostitution is not legal, and it was not common.

Sexual harassment is illegal, and the government effectively enforced the law. There were no reports of sexual harassment during the year.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. There was no economic discrimination against women in pay, employment, or working conditions. There is no special government office to ensure the legal rights of women.

Children.—The government was committed to children's rights and welfare.

Education is free until grade 13 (usually age 18) and compulsory until age 16. Most students continued in school until age 18. No differences were apparent in the treatment of girls and boys in education.

Medical services were amply funded, and boys and girls had equal access to health care.

Violence against or abuse of children was uncommon. There were no reported cases during the year; however, the judicial investigations of a 2003 case of sexual abuse by a father against his teenage adopted daughter and a similar sexual abuse crime committed in 2004 were ongoing at year's end.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The ministry for territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities, and many buildings were inaccessible.

Section 6. Worker Rights

a. The Right of Association.—By law all workers (except the armed forces) are free to form and join unions, and workers exercised this right in practice. The law sets the conditions to establish labor unions. Union members constituted approximately 50 percent of the country's non-self-employed work force, which numbered approximately 15 thousand citizens plus 5 thousand nonresident Italians. A "conciliatory committee" composed of representatives from labor, business, and government generally resolved complaints of antiunion discrimination amicably.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law gives collective bargaining agreements the force of law. Negotiations were conducted freely, often in the presence of government officials by invitation from both unions and employer associations. All workers are under collective bargaining agreements. The law allows all civilian workers, including the civil police, the right to strike, and workers exercised this right by conducting legal strikes. There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced the laws and policies to protect children from exploitation in the workplace. The minimum age for employment and compulsory education is 16, and no exceptions were granted by the Ministry of Labor and Cooperation. The law does not limit children between the ages of 16 and 18 from any type of legal work activity. The government devoted adequate resources and oversight to child

labor policies, and the Ministry of Labor and Cooperation effectively enforced compliance with the law.

e. Acceptable Conditions of Work.—The national minimum wage of approximately \$8 (6.7 euros) per hour did not provide a decent standard of living for a worker and family. However, wages generally were higher than the minimum.

The law sets the workweek at 36 hours in the public sector, and 37½ hours for industry and private businesses, with 24 consecutive hours of rest per week mandated for workers in either category. The law requires a premium payment for overtime and allows a maximum of two hours of overtime per day. There was effective enforcement of laws and industry contracts that prohibit excessive compulsory overtime.

The government set safety and health standards, and the judicial system effectively enforced these standards. Most workplaces complied with the standards; however, there were some exceptions. The construction industry did not consistently abide by safety regulations, such as work hour limitations. However, on-the-job injuries declined due to stricter safety rules and more severe penalties for violations imposed by the government, in addition to improved training for the workforce. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and the authorities effectively enforced this right.

Nearly one-quarter of the workforce is nonresident, commuting from nearby Italy. Two laws treat legal foreign workers differently from citizens of the country: the first prohibits indefinite employment status and the state grants a work permit that has to be renewed every 12 months. The second requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice, these provisions limit unemployment benefits for foreigners to a period of less than 12 months.

SERBIA AND MONTENEGRO

Serbia and Montenegro is a state union consisting of the relatively large Republic of Serbia and the much smaller Republic of Montenegro.¹ The state union is a parliamentary democracy. The state union government's responsibilities are limited to foreign affairs, national security, human and minority rights, and internal and external economic and commercial relations. The country has a population of 10.8 million² and is headed by President Svetozar Marovic, who was elected by parliament in 2003.

The Republic of Serbia is a parliamentary democracy with approximately 10.2 million inhabitants. Prime Minister Vojislav Kostunica has led Serbia's multiparty government since March 2004. Boris Tadic was elected president in June 2004 elections that observers deemed essentially in line with international standards. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority.

The government generally respected the human rights of its citizens and continued efforts to address human rights violations; however, numerous problems from previous years persisted. The following human rights problems were reported:

- police violence, misconduct, and impunity
- arbitrary arrest and selective enforcement of the law for political purposes
- lengthy pretrial detention
- corruption in the judiciary
- lengthy trials of human rights cases
- government impediments to freedom of speech and the press
- harassment of journalists
- societal violence and discrimination against religious and ethnic minorities
- housing of internally displaced persons in inadequate conditions
- widespread government corruption

¹The report on Serbia and Montenegro is divided into three sections addressing the human rights situations in Serbia, Kosovo, and Montenegro. Discussion of state union-level activities and institutions affecting human rights is included in the Serbia section.

²For this report, Kosovo's population of 2.1 million is included as part of Serbia's population

- harassment of non-governmental organizations (NGOs), particularly those involved in human rights
- two of the International Criminal Tribunal for the former Yugoslavia's (ICTY) most wanted war crimes suspects, Ratko Mladic and Radovan Karadzic, remained at large
- violence against women and children
- trafficking in persons

The government's increased efforts in addressing human rights violations brought notable improvements. The government cooperated to a significant degree with the ICTY to turn over persons indicted for war crimes, potential witnesses, and documents; demonstrated that it could effectively prosecute high-profile crime cases in its domestic special courts; increased attention to human rights abuses of minorities; and implemented a witness protection program to help combat trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, security forces killed two persons.

On January 7, members of the armed forces shot and killed a 16-year-old ethnic Albanian while he was trying to cross the country's border with Macedonia illegally. A Ministry of Defense investigation determined that the military acted in accordance with the law.

On October 21, a man died after being beaten by a police officer in Kikinda. Authorities charged officer Sasa Mijin in the Zrenjanin district court two days later and suspended a total of eight officers in connection with the case. Mijin was in custody and awaiting trial at year's end. Another officer, Tatjana Radisic, received a reduction in pay and was demoted.

Long-delayed trials for political killings from previous years continued during the year, some with notable progress.

At year's end the Belgrade special court for organized crime continued the trial of three dozen suspects in the 2003 assassination of prime minister Djindjic. Former secret police special operations unit (JSO) commander Milorad Ulemek was charged with organizing the assassination, former JSO deputy commander Zvezdan Jovanovic-Zveki was charged with murder, and 12 other persons were charged with organization and taking part in murder. Several others were charged with lesser crimes in connection with the assassination.

On July 18, the Belgrade special court for organized crime concluded its trial of Ulemek and others for the 2000 killing of former Serbian president Ivan Stambolic. The court sentenced Milorad Ulemek and 3 persons under his command to 40 years in prison, 2 others to 15 years in prison, and 1 person to 4 years in prison. The verdict named former Federal Republic of Yugoslavia and Serbian president Slobodan Milosevic, on trial before the ICTY, as the main instigator of the political assassination.

On June 29, a Belgrade district court concluded the retrial of Milorad Ulemek and 5 other former JSO members for the 1999 attempted killing of then Serbian Renewal Movement leader Vuk Draskovic. The court sentenced the 6 to 15 years in prison and also handed down prison sentences to a former intelligence chief and a former customs administration chief for their involvement.

The government had yet to complete its investigation into the disappearance and subsequent killing of Yili, Mehmet, and Agron Bytyqi, three US citizen brothers who were executed in Serbia in 1999. The bodies of the three were discovered in 2001 in a mass grave in rural Petrovo Selo, near a Serbian police facility. The bodies were found with their hands bound and gunshot wounds to their heads. At year's end there had been no indictments in the killings.

Domestic courts and the ICTY continued to try cases arising from crimes committed during the 1991–99 conflicts in Croatia, Bosnia and Herzegovina, and Kosovo (see sections 1.e. and 4).

Several military conscripts died during the year while on guard duty in remote areas, and their families challenged the military's determination that the deaths were suicides. During the year an official commission of inquiry rejected the military's finding that two soldiers who died in October 2004 while on guard duty in Topcider were victims of a homicide and suicide without third-party involvement. Authorities referred the case to the courts for resolution; however, no court action had been taken by year's end.

In July a demining expert was killed in an unexploded ordnance removal operation in Nis.

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

During the year authorities failed to investigate human rights groups' allegations that, early in the year and subsequently in July, individuals belonging to the Security Information Agency threatened witnesses to the government's alleged involvement in incinerating bodies of Kosovar Albanians at the Mackatica plant in 1999. Authorities also did not investigate mass graves on Serbian Ministry of the Interior property that were discovered in 2001.

State union and Serbian authorities continued to cooperate with neighboring countries, the International Commission on Missing Persons, and other international organizations to identify missing persons and investigate graves discovered in Serbia. However, progress was slow, and at times the government showed an unwillingness to release information to the public. During the year authorities identified 560 bodies exhumed from mass graves dating to the Kosovo conflict and returned them to Kosovo. The government had not completed the identification and return of all the remains recovered by year's end. There were 2,494 missing persons cases that remained unsolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention for petty crimes.

The Belgrade-based Humanitarian Law Center (HLC) reported that, on February 16, police hit a 17-year-old girl in the stomach at a downtown Belgrade police station and handcuffed her to a radiator for several hours while detaining her for suspected theft. Authorities had not taken action on the report at year's end.

The Helsinki Committee for Human Rights in Serbia (HCS) reported that, on June 30, traffic police ordered a family to lie on the floor of their home in a village near Nis while the police hit and threatened to kill them. Police arrested the family and took them to a police station without informing them of their rights or the charges against them and continued to threaten and harass family members. Authorities had not taken action on the case at year's end, and the family reported continued police harassment.

HLC reported that, on July 5, police entered the apartment of a Belgrade man without authorization and beat the man and a friend. Police reportedly broke the door open, punched and kicked the men, then took them to the police station without informing them of any charges against them. Authorities had not taken action on the report by year's end.

On July 31, a lawyer for the Leskovac Committee for Human Rights reported that a police officer in Leskovac, Goran Velickovic, had beaten him. The lawyer had represented a client who was severely beaten by Velickovic in 2003. Authorities were investigating the case by year's end.

The Lawyers' Committee for Human Rights (YUCOM) reported that, on September 28, Novi Sad police officers beat a man during a train ride from Belgrade to Novi Sad, mistaking him for a rowdy football fan. YUCOM also received reports during the year of police using excessive force during football games and other sports events in Belgrade. The victims in these cases decided not to file charges against the officers.

Two court decisions during the year addressed past cases of police misconduct. In February the Vrbas municipal court ordered the Serbian government to pay approximately \$3,700 (260 thousand dinars) to Dragan Sijacki for police abuse in 2000. In March the first municipal court in Belgrade ordered the Serbian government to pay approximately \$14 thousand (1 million dinars) to the parents of the late Milan Ristic after an investigation found that police conduct was probably responsible for his death. The court found that authorities failed to conduct an expedient and comprehensive investigation into the cause of death and that they had hastily concluded that the death was a suicide.

There was no information on whether any further action was taken during the year in the following cases of alleged police misconduct: the prosecution, reported pending in 2004, of police officers Zoran Gogic and Dragan Bojanic for beating a man in Zrenjanin while on duty in January 2004 and the prosecution, reported pending in 2004, of three police officers for beating a man while in detention in 2003. A judge dismissed the private prosecution by the HLC, reported pending before an investigative judge in 2004, of officers in the Cacak police department for allegedly hitting and threatening a man in 2003 to force him to confess to a robbery.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, conditions varied greatly between facilities, and some guards abused prisoners.

In some prisons, most notably the Belgrade reformatory hospital housing psychiatric prisoners, inmates complained of dirty and inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Guards were inadequately trained in the proper handling of prisoners. Juveniles were supposed to be held separately from adults; however, this did not always occur in practice.

The government permitted the International Committee of the Red Cross (ICRC) and local independent human rights monitors, including HCS, to visit prisons and to speak with prisoners without the presence of a warden.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, with some high-profile exceptions.

Role of the Police and Security Apparatus.—The approximately 43 thousand police officers in Serbia are part of the Ministry of the Interior. The police are divided into 33 regional secretariats that report to the republic government. The armed forces are under the control of the state union government and are responsible for national security. During the year responsibilities for border security were formally transferred to the Ministry of the Interior; however, in practice there has been no hand over of border post responsibilities from the military to the interior ministry, and military personnel still perform these functions.

The effectiveness of the police was uneven and generally limited. While most officers were Serbs, the force included Bosniaks (Bosnian Muslims), ethnic Hungarians, a small number of ethnic Albanians, and other ethnic minorities. The multiethnic police force in southern Serbia was composed primarily of ethnic Albanians and Serbs.

Corruption and impunity in the police force were problems, and there were only limited institutional means of overseeing and controlling police behavior. The inspector general's office, created in 2003, had increasingly limited authority, and the office had no autonomy to investigate and redress abuses. While the office recommended numerous disciplinary proceedings against interior ministry employees since its establishment, it had no means of following up on proceedings, and some secretariats completely ignored its recommendations.

During the year the interior ministry inspector general's office recommended disciplinary measures against ministry employees, leading to 856 cases that resulted in financial penalties, reassignments, and dismissals. The office filed 29 criminal complaints against 48 ministry employees on charges including forgery, misuse of public funds, corruption, accepting bribes, assault, and incompetence.

The Center of Public Security also took disciplinary measures against interior ministry employees, including submitting 1 employee for precriminal investigation, dismissing 7, opening a misdemeanor investigation of 1, reassigning 23, and reducing the salary of 9. In 63 cases, the center filed reports with department chiefs, who dismissed 33 employees, reassigned 45 to lower positions, reassigned 2 to equal positions, and reduced the salary of 141.

During the year the government and the Organization for Security and Cooperation in Europe (OSCE) trained police, including on community relations. A foreign government also sponsored police training programs on witness protection and corruption.

Arrest and Detention.—Arrests were generally based on warrants, although police were authorized to make arrests without a warrant in limited circumstances, including if there was a well-founded suspicion that a person had committed a capital crime. The law requires an investigating judge to approve any detention over 48 hours, and authorities respected this requirement in practice. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than five years were often released on their own recognizance.

The law provides that the police must inform arrested persons immediately of their rights. While police usually did so in practice, some abuses were reported (see section 1.c.).

The law provides access for detainees to counsel, at government expense if necessary, and this right was generally respected in practice. Unlike the previous year, there were no reports that police pressured attorneys to limit their contact with detainees. Family members were normally able to visit detainees. Suspects can be detained for up to six months without being charged.

The law prohibits the use of force, threats, deception, and coercion, as well as use in court of evidence acquired by such means; however, police sometimes used these means to obtain statements.

Authorities used arbitrary arrest and selective enforcement of the law for political purposes, particularly to undermine the credibility and reputation of those critical of the government.

On March 22, the government arrested then Belgrade police chief Milan Obradovic and charged him with permitting the beating of a murder suspect. Details of the charges were leaked to the media, and observers believed the arrest was politically motivated. The government released Obradovic after 60 days in detention and dropped the criminal investigation; however, the investigation was pending at year's end, and the interior ministry carried out disciplinary measures against Obradovic, first suspending him for four months, reducing his pay by 20 percent, and demoting him to a low-ranking position in the provinces, then further reducing his pay and classifying his position as unassigned.

On September 28, the government arrested former minister of justice Vladan Batic on charges related to the release from prison of a member of the so-called Jotka group in 2003. Batic said he was acting upon the Constitutional Court's ruling that holding these prisoners was unconstitutional. Human rights organizations criticized the arrest as politically motivated, stemming from Batic's regular and public criticism of the government. No charges were raised, and Batic was released within 48 hours.

Shortly after Batic's arrest, police arrested Dragan Vulic, former assistant minister in charge of Serbian correctional facilities, also in connection with the release of the Jotka member. Human rights organizations again decried this arrest and detention as selective enforcement of rule of law to punish allies of former prime minister Djindjic. Vulic was released after 30 days in detention.

The law limits the length of pretrial detention from indictment to the conclusion of a trial to 2 years for most cases, but allows detention for up to 4 years for crimes that carry up to the maximum penalty (40 years in prison). The law sets 2 years as the maximum detention permitted after an appellate court vacates the judgment of a trial court. Nonetheless, prolonged pretrial detention was a problem. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays continued regularly. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial, and once started, trials often took an excessively long time to complete (see section 1.e.).

Persons detained for serious crimes generally were held for the full six months allowed before charges are required to be filed.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence.

Corruption in the judiciary remained a problem. There were reports that government officials attempted to undermine politically sensitive prosecutions, including by applying pressure on prosecutors. On September 16, authorities arrested Supreme Court judge Slavoljub Vuckovic and charged him with accepting a bribe in the Jotka organized crime case.

On October 14, a court resumed the trial of former deputy public prosecutor Milan Sarajlic, who was charged with accepting payments from the Zemun organized crime clan in 2004; the trial had been put on hold due to Sarajlic's poor health in 2004.

The private sector still considered corruption in the commercial courts to be widespread. In addition land transfers often were extremely difficult, leading many in the private sector to allege administrative corruption.

The courts were highly inefficient, and cases could take years to be resolved.

The court of the state union is responsible for coordinating jurisprudence in the state union, resolving jurisdictional disputes between Serbian and Montenegrin institutions, ruling on alleged violations of rights guaranteed by the state union constitutional charter, and settling disputes that the state union's joint customs office is unable to resolve. The court was established in 2004, but no cases had been brought before it by year's end.

The Serbian judicial system consists of municipal courts, district courts, a Supreme Court, and a Constitutional Court. In addition, the law provides for special courts for war crimes and organized crime; these were operational during the year within the Belgrade district court. The Constitutional Court rules on the constitutionality of laws and regulations. While the law provides for an administrative appeals court and a second instance appeals court to reduce the Supreme Court's case-load, the National Assembly has postponed the establishment of the courts until 2007.

The government disbanded military courts on January 1. A special branch in each district court assumed responsibility for military cases.

Trial Procedures.—Trials are generally public, but they are closed during testimony of a state witness. There are no juries. The law provides that defendants are presumed innocent and have the right to have an attorney represent them at public expense, if needed, and to be present at their trials. Both the defense and the prosecution have the right to appeal a verdict. Defendants have the right to access government-held evidence and question witnesses. These rights were generally respected in practice.

The special war crimes court continued trying war crimes cases, some of which concluded with long-awaited indictments and sentences. On June 17, the court concluded the retrial of Aleksandar Cvjetan for the 1999 killing of 19 ethnic Albanians in Kosovo. In March 2004 a court sentenced Cvjetan to 20 years in prison, but the Supreme Court subsequently ordered a retrial. The war crimes court confirmed the original 20-year sentence; however, the decision was pending on appeal in the Supreme Court at year's end.

The Belgrade district court also tried Dejan Demirovic in absentia for the Podujevo killings and obtained his extradition from Canada; Demirovic was in custody pending trial at year's end.

On July 15, the special war crimes court concluded the retrial, ordered by the Supreme Court in 2004, of the Sjeverin war crimes case involving the torture and killing of 16 Muslims in 1992. The court confirmed the original conviction and sentencing of Dragutin Dragicevic, Oliver Krsmanovic, and ICTY indictee Milan Lukic to 20 years in prison, and Djordje Sevic to 15 years in prison. The court's decision was pending on appeal in the Supreme Court at year's end. In August authorities in Argentina arrested Lukic, and his extradition to the ICTY was pending at year's end.

The special war crimes court commenced several trials during the year. On October 12, it began the trial of Anton Lekaj, who was accused of the 1999 murder and torture of Roma in Kosovo during a wedding procession. On December 12, the court passed its first verdict in the Ovcara case (also known as the Vukovar massacre), convicting 14 Serbs of murder, torture, and inhumane treatment of more than 200 Croatian prisoners of war in 1991. The convictions can be appealed to the Supreme Court.

The special war crimes court made preparation for two additional trials. In August the court indicted seven persons in the Zvornik case involving the 1992 eviction and murder of Bosnian Muslims. In October the court indicted six persons in the Scorpions case involving the execution of six Bosnian Muslim civilians from Srebrenica in 1995.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—During the year a government commission began preparing a register of property seized since 1945, but it made no progress on enacting a property restitution law or returning property.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government interfered with privacy and correspondence. While the law requires the interior ministry to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save people or possessions, police occasionally did not respect these provisions in practice.

Most observers believed that authorities selectively monitored communications, eavesdropped on conversations, read mail and e-mail, and tapped telephones. Human rights leaders frequently reported that their communications were being monitored.

On October 20, the Serbian post office confiscated promotional materials (such as leaflets, lighters, pens) of the Movement for an Independent Montenegro while the group was in Belgrade for a news conference. Authorities explained that the materials contained "politically unacceptable content," but the group claimed the post office screened mail without a court order and illegally confiscated materials.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, there were reports of government interference in these freedoms and reprisals against persons who criticized the government.

In general, independent media organizations were active and expressed a wide range of views; however, some media organizations experienced threats and reprisals for publicizing views critical of the government, and many reporters lacked professionalism in citing sources and achieving accuracy.

The government published the daily *Borba* and owned one of the country's most important printing houses, also named *Borba*. The oldest nationwide daily, *Politika*,

was co-owned by a German company and the government but operated by several shareholding companies.

State-controlled Radio-Television Serbia (RTS) was a major presence, operating three television channels as well as radio service. The government had considerable influence, although not formal control, over other major television stations, including TV Politika and TV Novi Sad, as well as Radio Belgrade's three stations. In addition, many television stations relied on the state-owned news agency Tanjug for news information. While RTS's coverage was generally objective, there occasionally appeared to be a bias toward the government.

In August parliament amended the broadcast law to postpone the privatization of local broadcast media until the end of 2008 and give government appointees to the broadcasting council six-year terms in office, while persons appointed by NGOs and professional organizations would serve for four years.

Media organizations, particularly the radio station B92, were victims of vandalism, bomb threats, and intimidation for coverage of views unpopular with the government.

Local government leaders in Vranje reportedly harassed OK Radio reporters, and several reporters received death threats, following the radio's September 2004 report that 2,500 ballots had been printed illegally for the local elections there. The report was confirmed by the Center for Free Elections and Democracy.

Libel is a criminal offense. In September the Serbian parliament adopted a new penal code that replaces imprisonment with fines of \$552 to \$13,800 (460 euros to 11,500 euros) as punishment for libel.

In March the Vranje committee of the Socialist Party of Serbia (SPS) charged Goran Vladkovic, editor-in-chief of OK Radio, with disseminating false information and libel in connection with the radio's September 2004 report on the illegal printing of ballots for a municipal election. The SPS sought over \$343 thousand (24 million dinars) in compensation for alleged damages. A trial was pending at year's end, and OK Radio reported numerous threats and break-ins of its offices.

Journalists sometimes practiced self-censorship because of possible libel suits and fear of offending public opinion, particularly on subjects relating to wars in the former Yugoslavia.

While there were no government restrictions on the Internet or academic freedom, there were reports that the government selectively monitored e-mail correspondence.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government usually respected it in practice; however, authorities occasionally impeded public protests.

On March 30, police prevented approximately 300 members of the Association of Free and Independent Unions from protesting in front of a Serbian government building.

On July 10, members of the Women in Black organization gathered in Belgrade to commemorate the tenth anniversary of the Srebrenica killings in Bosnia and Herzegovina. While the government provided security and did not interfere with the event, which was organized by an outspoken critic of the government, some human rights groups criticized police for not responding adequately to threats and tear gas used by other groups against participants.

Freedom of Association.—The law provides for freedom of association, and the government generally respected it in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice; however, the Serbian government maintained a discriminatory property tax.

While there is no state religion, the majority Serbian Orthodox Church received some preferential treatment. For example, the military continued to offer only Serbian Orthodox services, although it allowed members of other faiths to attend religious services outside their posts. There were also complaints that the Serbian government funded construction of a large Serbian Orthodox Church by raising postal charges. The Serbian government subsidized salaries of Serbian Orthodox clergy in Kosovo.

Although there is no formal registration requirement for religious organizations, any group planning to hold gatherings is required to register with local police. Religious organizations may register as citizen groups with the interior ministry in order to gain the legal status necessary to own real estate and conduct other transactions.

Serbian tax law exempts property owned by 7 traditional religious groups (the Serbian Orthodox Church, the Muslim community, the Roman Catholic Church, the Slovak Evangelical Church, the Jewish community, the Reform Christian Church,

and the Evangelical Christian Church) from taxation but requires tax to be paid on property owned by any of the country's 182 other religious communities. Some religious organizations received tax notices during the year; the tax was expected to have the greatest impact on the smaller, unrecognized religious communities, such as the Adventist Church, which holds approximately 200 properties in the country.

A number of religious groups reported problems dealing with local government authorities.

Non-Orthodox religious organizations continued to report difficulty obtaining permission from local authorities in Serbia to build new worship facilities. The Belgrade Islamic community reported continued difficulties in acquiring land and government approval for an Islamic cemetery in the city.

During the year the municipal council for the prevention of addictions and religious sects in the town of Leskovac identified Adventists, Baptists, Pentecostals, the Evangelical Church, Jehovah's Witnesses, and "Satanists" as sects and promoted propaganda against them.

Local authorities ordered the demolition of a Romanian Orthodox church built on private land in the village of Malajnica. Authorities reportedly acted because the local Serbian Orthodox clergy had not approved the church. The case was before the Serbian Supreme Court at year's end. In May a local Romanian Orthodox priest who led a religious procession without police permission was charged with inciting religious hatred but was acquitted.

Serbian law requires students in primary and secondary schools either to attend classes from one of the seven traditional religious communities or, alternatively, to take a class in civic education. Leaders of religious groups excluded from the program continued to express their dissatisfaction at the government's narrow definition of religion.

The Church of Jesus Christ of Latter-day Saints reported one case of the government restricting the import of religious material. Church members attempted to bring religious materials from Bulgaria, but border police refused them entry until they emptied the materials from their vehicles.

There was no progress noted during the year on restitution of previously seized religious property. The government reported that it was near to completing a register of seized religious property. As a temporary measure, a few religious communities have been granted free use of some facilities that had been seized from them. There was no progress noted in drafting a law on restitution of religious property in Serbia.

Societal Abuses and Discrimination.—Religion and ethnicity are closely related; in many cases, it was difficult to identify discriminatory acts as being either primarily religious or primarily ethnic in motivation. Minority religious communities reported continuing problems with vandalism of church buildings, cemeteries, and other religious sites. Many attacks involved spray-painted graffiti, rock throwing, or the defacing of tombstones, while a few cases involved much more extensive damage. The police response was often inadequate.

Members of the Church of Jesus Christ of Latter-day Saints in Belgrade reported several incidents to police during the year when they were physically assaulted by youths; in one of these incidents, a church member lost consciousness after being beaten in a park. The police told the members that nothing could be done, since the perpetrators were minors.

During the year courts made progress in several of the trials connected to attacks against mosques in Belgrade and Nis in apparent response to violence against the Serb community in Kosovo in March 2004.

In April a court sentenced 1 person arrested in connection with the burning of a Belgrade mosque to three months in prison; the trial of 10 other persons indicted in the attack continued at year's end. The Serbian government repaired the outside of the mosque but had not yet repaired the interior.

In July a Nis municipal court convicted and sentenced eight persons to spend three to five months in prison for the March 2004 burning of the Islam-Aga mosque in Nis. Muslim leaders criticized the sentences as too lenient.

The Jewish community had fewer than four thousand persons. Representatives of the Union of Jewish Communities of Serbia and Montenegro reported continued incidents of anti-Semitism but no physical violence against Jewish persons. There were several reports of anti-Semitic graffiti and vandalism at a few Jewish cemeteries. In addition the release of foreign anti-Semitic literature translated into Serbian often led to a spike in hate mail and other expressions of anti-Semitism.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs).—According to official figures of the Office of the UN High Commissioner for Refugees (UNHCR), there were approximately 208 thousand IDPs from Kosovo in Serbia, mainly Serbs, Roma, and Bosniaks as a result of the 1999 events in Kosovo. Approximately nine thousand remained in collective centers that were inadequate for any purpose other than as emergency shelter.

The state union government did not screen or assume responsibility for the six thousand IDPs that the ICRC ceased supporting when its mandate expired in 2004; however, it continued to pay salaries to IDPs who were in the Kosovar government before June 1999. In order to obtain temporary residence status in Serbia, the law requires IDPs to first return to Kosovo and deregister themselves from their previous address. Failure to complete this process effectively prevents IDPs from obtaining access to health insurance, social welfare, and public schools.

In 2004 the Serbian government signed agreements with 13 countries. During the year it signed agreements with 2 additional countries to accept unsuccessful migrants and persons without legal residence in those countries, who were primarily Roma. The Serbian Red Cross opened an office at the Belgrade airport to assist returning Roma.

The UNHCR estimated that there were 40 to 45 thousand displaced Roma living in Serbia proper; half of those were not registered due to lack of documents. Many Kosovar Roma were perceived to be Serb collaborators during the conflict in Kosovo and could not safely return there. Living conditions for Roma in Serbia were extremely poor. Local municipalities often were reluctant to accommodate them, hoping that, if they failed to provide shelter, the Roma would leave the community (see section 5). If Roma did settle, it was often in official collective centers with minimum amenities or, more often, in makeshift camps in or near major cities or towns.

There were sporadic incidents of attacks and vandalism against IDPs, particularly ethnic Ashkalis. In Vojvodina, several Ashkali houses were vandalized during the year.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The state union has adopted a law on asylum that provides a framework but does not mention procedures or implementation. The government, on the republic level, has not passed legislation or established a system for providing protection to refugees. In practice the government may provide protection against *refoulement*, the return of persons to a country where they feared persecution, and UNHCR grants the refugee status. Forty-four persons were granted refugee status during the year.

The government provided temporary protection to individuals from Bosnia and Herzegovina and from Croatia who may not qualify as refugees under the 1951 convention and its 1967 protocol.

According to the 2005 refugee re-registration process, there were approximately 140 thousand refugees in Serbia from other successor states of the Federal Republic of Yugoslavia, primarily Croatia (100 thousand) and Bosnia and Herzegovina (40 thousand). The government, with UNHCR support, worked to close the remaining collective centers for refugees by establishing qualifications for persons to remain at the centers and by seeking alternate housing for others. Approximately six thousand refugees remained in collective centers in Serbia at year's end.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—The state union and the Serbian republic each have a parliamentary system of government. The state union parliament elects the state union president, while the president of the Serbian republic is elected by popular vote. On June 2, the Serbian National Assembly (parliament) adopted amendments to the state union's constitutional charter that postponed direct elections for the state union parliament and stipulated that state union and Serbian republic parliamentary elections take place separately.

An OSCE and Council of Europe election observation mission reported that the June 2004 Serbian republic presidential elections were peaceful and conducted essentially in line with international standards. Problems noted by the mission in-

cluded lack of a central voter register, lack of facilities for eligible voters living in Montenegro, and evidence of some degree of disenfranchisement in the Romani community. Voting took place in Kosovo, where 97 thousand voters were registered; however, restrictions on movement hindered the ability of ethnic Serbs to vote, while the ethnic Albanian population, with very few exceptions, did not participate in the election, even in areas where some were on the voter lists.

An OSCE election observation mission reported that December 2003 Serbian republic parliamentary elections were conducted generally in line with international standards.

There were 13 women in the 126-seat state union parliament and 23 women in the 250-seat Serbian parliament. There were no women in the 5-member state union cabinet and 1 woman in the 16-member Serbian cabinet.

There were 7 members of minorities in the 126-seat state union parliament and 11 members of minorities in the 250-seat Serbian parliament. There was 1 member of a minority in the 5-member state union cabinet but no members of minorities in the 16-member Serbian cabinet.

Serbian law exempts ethnically based parties from the 5 percent threshold required for a political party to enter the Serbian parliament. Roma continued their historical pattern of low voter turnout. Local ethnic Albanian leaders in southern Serbia boycotted national elections notwithstanding their active involvement in local governance.

Government Corruption and Transparency.—There was a widespread public perception of government corruption, and it appeared at every level. A Gallup survey released in March indicated that 60 percent of Serbians polled believed that government corruption was a major problem.

In June the government announced it would phase out the existing council for combating corruption, but it was unclear at year's end whether another body would replace it. During the year the council failed to investigate a number of corruption cases, including government contracts, questionable energy imports, and the use and sale of state-owned commercial office space.

Government authorities were inconsistent in their approach to official corruption. Investigations often appeared to be politically motivated and there are numerous examples of authorities failing to act in response to detailed reports of suspected corruption involving a wide range of officials. Media reporting of corruption was often sensationalist. Official anti-corruption bodies could be responsive and did have some success; however, there were cases where their efforts were blocked.

On September 8, Minister of Defense Prvoslav Davinic announced his resignation following the finance minister's criticism of his awarding of a \$360 million (300 million euros) procurement contract in August as excessive, unjustified, and possibly corrupt. The contract allegedly involved the purchase of 74 thousand helmets and 69 thousand flak jackets for an army with only 28 thousand soldiers. Observers believed the accusations were politically motivated and stemmed from a rivalry between the two ministers. The Belgrade district court found no criminal wrongdoing in connection with the procurement but at year's end was investigating minor charges of misuse of office while Davinic was defense minister. The charges involved facilitating apartment leases for his bodyguards.

Authorities took no further action during the year against the interior ministry officials who were accused by the finance minister in September 2004 of having misappropriating public funds; observers believed the charges were politically motivated and lacked evidence.

Officials also engaged in questionable procedures in several high visibility privatizations, and the media reported that the political leadership overlooked and justice ministry officials ignored illegal transfers of funds made to government ministers.

The Serbian government's implementation of the November 2004 access to information law was slow, and the government generally did not provide access in practice. The law provides for public access to information of "legitimate public importance" (with many exceptions) and establishes an independent commissioner, selected by the Serbian parliament, to handle appeals when government agencies reject requests for information. NGOs reported that their requests for information from the government went unanswered.

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

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, these groups were often subjects of harassment, threats and libel suits for expressing views critical of the government.

Prominent human rights groups included the Helsinki Committee for Human Rights in Serbia, the Humanitarian Law Center, the Lawyers' Committee for Human Rights, the Fund for an Open Society, the Youth Initiative for Human Rights, and Belgrade Center for Human Rights.

After a video recording of the 1995 execution of six Srebrenica Muslims by a Serb paramilitary group called the "Skorpions" was shown on television on June 1, the Socialist Party of Serbia, the Serbian Radical Party, and the Democratic Party of Serbia accused the Humanitarian Law Center, other NGOs, and media outlets of conducting an anti-Serb campaign. Some NGO workers were subsequently threatened and attacked, primarily through media campaigns demonizing them and publication of personal information, such as their addresses.

The state union government does not have an autonomous human rights ombudsman; however, during the year the Serbian government established a new ombudsman's office in Belgrade. Vojvodina Province has an ombudsman, who operated independently during the year. The legal aid office in the state union Ministry for Human and Minority Rights also assisted citizens with human rights complaints.

The state union and Serbian governments made significant progress in their cooperation with the ICTY to apprehend and bring to justice war criminals; however, two of ICTY's most wanted war crimes suspects with links to Serbia, Ratko Mladic and Radovan Karadzic, remained at large. From January through April, Serb authorities assisted in the transfer of 13 indictees to the tribunal, with one additional transfer in September; however, six ICTY indictees with ties to the country remained at large, including key indictee Mladic. The state union and Serbian governments also made progress in complying with ICTY document requests and in facilitating the testimony of witnesses. The state union government's national cooperation council (NCC) transferred approximately 900 pages of documents to the ICTY prosecutor's office in response to requests for information, but outstanding requests remain. The NCC facilitated the testimony of 46 witnesses by granting waivers that freed potential witnesses from local prosecution under state secrets laws.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, discrimination against women and ethnic minorities as well as trafficking in persons and violence against women and children were problems.

Women.—Violence against women was a problem, and high levels of domestic violence persisted. The Serbian Victimology Society reported in July that one-third of women have been victims of physical violence, and half of women have been victims of psychological violence.

Domestic violence is a crime punishable by a prison sentence of 6 months to 10 years, depending on the seriousness of the offense, and a minimum of 10 years if death results. Such cases were difficult to prosecute due to lack of witnesses and evidence, as well as unwillingness of witnesses or victims to come forward. In a 2005 World Health Organization study of Serbian women, two-thirds of physically abused women reported that they did not seek help because they thought such abuse was normal or not serious. The few official agencies dedicated to coping with family violence had inadequate resources.

Rape, including spousal rape, is punishable by 1 year to the legal maximum sentence (40 years' imprisonment) for a simple case, a minimum of 3 years for an aggravated case, and a minimum of 5 years if death results or the victim is a minor. Only a small proportion of rapes were reported because victims feared that they would not be protected, that their attackers would take revenge, or that they would be humiliated in court. Few spousal rape victims filed complaints with authorities. Women's groups reported that sentences were often too lenient.

The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hotline, and sponsored a number of self-help groups. The center also offered assistance to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Counseling Center Against Family Violence operated a domestic violence shelter partly funded by the government.

Prostitution is illegal.

Trafficking in women for the purpose of sexual exploitation remained a problem (see section 5, Trafficking).

Sexual harassment was a common problem, but public awareness of it remained low. The law provides that sexual harassment is a crime punishable by up to six months' imprisonment for a simple case and by up to one year's imprisonment for abuse of a subordinate or dependent.

Women have the same legal rights as men, including under family law, property law, and in the judicial system. To ensure that women's rights are respected, the

Serbian government established the council for gender equality in 2004. The Vojvodina government also has a secretariat for labor, employment, and gender equality. The OSCE mission to Serbia helped to establish municipal bodies in charge of gender equality in more than 30 municipalities.

Traditional views of gender roles, particularly in rural areas, resulted in discrimination against women. In remote rural areas, particularly among some minority communities, women could not effectively exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of wives.

The social status of women was generally considered inferior to that of men, and women were not well represented in commerce. Women were legally entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage was 11 percent lower than that of men.

Children.—The government was committed to the rights and welfare of children. The educational system provided nine years of free, mandatory schooling. However, ethnic prejudice, cultural norms, and economic distress discouraged some children, particularly Roma, from attending school. One government survey found that approximately 99.8 percent of children attended school; however, the government acknowledged that the survey missed many transient Roma.

Romani education remained a problem. Many Romani children did not attend primary school, either for family reasons, because they were judged by school administrators to be unqualified, or because of societal prejudice. Due to the lack of primary schooling, many Romani children did not learn to speak Serbian. Some Romani children were placed mistakenly in schools for children with emotional disabilities because the Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. The UNHCR, with government support, conducted health education programs for Roma and catch-up and head-start programs for Romani children. During the year 48 elementary and secondary schools offered weekly Romani language and culture classes in which 1,336 students participated.

Free medical care was available in government clinics, including free medicines from a limited list of covered drugs. Boys and girls had equal access to medical care.

Child abuse was a widespread problem. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police generally responded to complaints, and prosecutions of child abuse cases occurred during the year. Psychological and legal assistance was available for victims, and there was an incest trauma center.

Child marriage was a problem within some communities, particularly among Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average, and boys generally married a few years later than girls. Child marriage was most common among Muslim Roma, most of whom came from Kosovo and were living in other parts of the country as IDPs.

Trafficking of children for the purpose of sexual exploitation remained a problem (see section 5, Trafficking). Some Romani children were trafficked within the Romani community and to Roma abroad for exploitation in begging and theft rings.

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons through and, to a lesser extent, to and from Serbia (excluding Kosovo) remained a problem. The penalty for trafficking is imprisonment of 1 to 10 years for a single offense, 3 to 40 years for multiple offenses, and 5 to 40 if a minor is involved or if a victim is killed.

The government's prosecution of trafficking cases became more effective, and courts handed down less lenient sentences for trafficking offenses than in previous years. On September 30, the special department of the Belgrade district court concluded a long-running and high-profile trafficking case involving Ukrainian victims, sentencing the organizer of the crime to eight years in prison and sentenced three others to three to six years in prison.

On December 28, the special court for organized crime concluded the 2004 case of 10 persons tried for trafficking women to Italy. The leader of the group, Dejan Stosic, received a four-year prison sentence; the others received sentences of 5 to 30 months.

During the year authorities filed 13 criminal charges against 21 persons for trafficking; antitrafficking groups worked with 113 trafficking victims and received 1,712 telephone calls on an SOS hotline for victims.

Serbian government antitrafficking efforts were led by an antitrafficking coordinator who was the chief of the border police and incorporated government agencies, NGOs, and international organizations. The state union ministries of foreign affairs

and human and minority rights also participated. The government assisted in international investigations of human trafficking and participated in a regional antitrafficking operation.

With financial assistance and training from the international community, a witness protection unit became fully functional during the year. In addition reports suggested that police increasingly recognized and correctly assisted trafficking victims. For example, in February port of entry police recognized that an unescorted minor girl deported from Sweden with her two-year-old child and lacking paperwork was a trafficking victim and provided her assistance.

Serbia was a transit point, and to a lesser extent a point of origin and destination, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit point for internationally trafficked women going to Kosovo as well as to Croatia, Bosnia and Herzegovina, Albania, and Western Europe. The primary source countries for persons trafficked to and through Serbia were Moldova, Ukraine, Romania, Russia, and Bulgaria. Approximately two thousand trafficking victims were in or passed through Serbia during the year, including women trafficked for sexual exploitation, children in begging rings, and exploited seasonal agricultural laborers.

Underage girls were among those trafficked for sexual exploitation. In November authorities rescued a 14-year-old girl at the Slovenian border from an international trafficking ring attempting to take her to the Netherlands for work and sexual exploitation. Her family in Prokuplje had sold her for \$3,600 (3 thousand euros); the parents stated they thought their daughter would be staying with an aunt and attending school in the Netherlands. Two Croatians and two citizens of the Netherlands were arrested for trafficking the girl.

While Serbia was not traditionally a major source for trafficked women, poor economic conditions have increased women's vulnerability to traffickers, particularly in the Romani community. Trafficking of children by Roma for use in begging or theft rings was a problem.

Traffickers recruited victims through enticements including advertisements for escorts, marriage offers, and offers of employment. Women often went to work as prostitutes knowingly and only later became trafficking victims. In many cases international organized crime networks recruited, transported, sold, and controlled victims. The main points in Serbia for holding and transferring trafficked women were the Belgrade suburbs and Pancevo.

Authorities encouraged victims to participate in trials of traffickers and did not prosecute victims.

The government's agency for coordination of protection to victims worked to ensure that trafficking victims were correctly identified and referred to assistance providers. Separate shelters for domestic and foreign trafficking victims operated during the year. The NGO Astra operated a hotline for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims.

The International Organization for Migration (IOM) managed repatriation of foreign victims and assisted in the reintegration of local victims. The IOM also ran a regional clearing center for information on trafficking victims. There were numerous training programs, including training for hotline volunteers, shelters, social welfare officers, and police.

Serbian government and NGO public awareness efforts to combat trafficking included conferences on trafficking, documentary films shown across Serbia, and school outreach programs.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government generally enforced the law. There were no reports of discrimination against persons with physical or mental disability; however, facilities for their education and care were nonexistent or inadequate, and the government did not address the problem. A high unemployment rate and lack of accommodations made it difficult for persons with disabilities to obtain employment.

The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

National/Racial/Ethnic Minorities.—Minorities constituted 25 to 30 percent of Serbia's population and included Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Although not widespread, there continued to be incidents of vandalism and some physical attacks against minorities, mainly Hungarians in Vojvodina. The number of incidents against minorities in Vojvodina decreased compared with 2004.

In October the European Parliament adopted a resolution asserting that the rights of minorities were being violated in Vojvodina and noting several cases of

vandalism, verbal abuse, and physical attacks on ethnic Hungarians. On October 10, the NGO Human Rights Watch released a report on violence against minorities in Serbia that reached similar conclusions. The Serbian and state union government responded with increased engagement with ethnic minority leaders in Vojvodina. The Serbian government agreed to a 10-point strategy for improving ethnic relations in the province, including education and public awareness campaigns, and support for greater representation of minorities in the police and judiciary.

On November 9, a neo-Nazi group disrupted an anti-Fascist seminar at Novi Sad University in Vojvodina, harassing and slapping participants. Authorities charged 18 men with inciting ethnic, racial, and religious hatred and intolerance. In the weeks following this incident, the Serbian Ministry of Interior officially identified several neo-Nazi groups by name.

Ethnic Albanian leaders of the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain about the under-representation of ethnic Albanians in government structures. Dissatisfaction became particularly strong after army border guards shot and killed a 16-year-old ethnic Albanian in January as he was trying to cross the border with Macedonia illegally. A working group made up of interior ministry, OSCE, the coordination body for Southern Serbia, and municipal representatives addressed concerns between the ethnic Albanian community and police.

There were a few reports that police failed to take action to stop armed highway robberies that have occurred since mid-2004. Masked men claiming to belong to the Albanian National Army demanded money from drivers, mainly ethnic Albanian guest workers returning to Kosovo for the summer holidays.

Roma continued to be targets of numerous incidents of police violence, verbal and physical harassment from ordinary citizens, and societal discrimination. Police made modest improvements in investigating cases of societal violence against Roma. Twice during the year unknown persons attacked Romani settlements with Molotov cocktails; police investigated and pressed criminal charges against the assailants.

Many Roma, including IDPs from Kosovo, lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities. Some settlements were located on valuable industrial or commercial sites where private owners wanted to resume control; others were on the premises of state-owned enterprises due to be privatized. During the year Belgrade authorities continued to suspend demolition of one settlement on privatized land until they could locate alternative housing for Roma living there.

At year's end the prosecutor's office had not completed investigating the 2003 case of six Luzane villagers accused of attacking a Romani family.

During the year Belgrade authorities established a Romani coordination center and purchased land for the construction of an apartment complex for Roma; construction had not begun at year's end.

To address concerns of minorities, the state union Ministry for Human and Minority Rights operated a hotline for minorities and others concerned about human rights problems. Callers to the hotline most commonly reported being the victim of threats, ethnic slurs, and bullying. The government also sponsored several school programs to educate children about minority cultures and to promote tolerance.

Other Societal Abuses and Discrimination.—Violence and discrimination against homosexuals was a problem. The media carried slurs against homosexuals. Some NGOs reported that homosexuals were denied equal opportunities in education and employment. A survey by the Youth Initiatives for Human Rights indicated that lesbians, gays, bisexuals, and transgender persons experienced widespread threats, hate speech, verbal assault, and physical violence.

Section 6. Worker Rights

a. The Right of Association.—The law provides the right for workers, except military and police personnel, to join or form unions of their choosing, subject to restrictions, including approval by the Ministry of Labor and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to an employer approval requirement. A state-affiliated trade union federation dominated organized labor, due to preference for unions belonging to it by the managements of the state-owned industries that dominated the economy. Smaller federations of independent trade unions competed with the government-affiliated federation, but were successful in doing so primarily in the relatively small proportion of the formal nonagricultural economy that is not state-owned. In the state-owned sector, 60 to 70 percent of workers belonged to unions. In the private sector, only 4 to 6 percent were unionized, and in agriculture approximately 3 percent.

The law does not prohibit antiunion discrimination, and it was not a significant problem during the year.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law protects the right to organize and bargain collectively, and it was exercised freely in practice. The new labor law implemented in March requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must have 15 percent of company employees as members. In order to negotiate with the government, a union must have 10 percent of all workforce employees as members. Wage arrears were reported to be substantial and widespread. Approximately 27 percent of the workforce was covered by collective bargaining agreements.

The law provides for the right to strike except by persons providing essential services such as education, electric power, and postal service. These employees constitute approximately 50 percent of the workforce and must announce planned strikes at least 15 days in advance and ensure that a “minimum level of work” is provided. Workers exercised the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws protecting children from exploitation in the workforce. The minimum age for employment is 16, although in villages and farming communities it was common to find younger children at work assisting their families. Children, particularly Roma, also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Romani children were often forced by their families into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings. The Labor Inspectorate of the Ministry of Labor, Employment, and Social Issues checked for child labor during its inspections; however, the ministry stated it found no violations during the year. The ministry also included prevention of child labor in its regular child and family protection programs.

e. Acceptable Conditions of Work.—In Serbia, the minimum wage for the period July–December was set by the Social Economic Council at approximately \$105 (7,400 dinars) per month. The minimum wage did not provide a decent standard of living for a worker and family. In companies with a trade union presence, there was generally effective enforcement of the minimum wage. This was not the case in smaller private companies, and workers were often afraid of losing their jobs because many of them were not legally registered. The Labor Inspectorate is responsible for enforcing the minimum wage.

The standard workweek of 40 hours was generally followed in state-owned enterprises but not in private companies. The law provides that an employee may not work overtime for more than 4 hours a day or for more than 240 hours in a calendar year. For an 8-hour workday, one 30-minute break is required. At least 12 hours of break are required between shifts during a workweek, and at least 24 hours of break are required over a weekend.

Collective agreements were the primarily means of providing premium pay for overtime. However, the new labor law requires that the premium for overtime work should be at least 26 percent of the salary base, as defined by the relevant collective agreement. Trade unions within a company are the primary agents for enforcing overtime pay; however, the Labor Inspectorate also has enforcement responsibilities. The inspectorate had mixed results enforcing labor regulation due to a variety of factors, including politics and corruption.

It is mandatory for companies to establish a safety and security unit to implement safety and security regulations; however, in practice these units often focused on rudimentary aspects of safety, such as purchasing soaps and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment.

KOSOVO

Kosovo has a population of approximately 2.2 million and is administered by the UN Interim Administrative Mission in Kosovo (UNMIK) pursuant to UN Security Council (UNSC) Resolution 1244. UNMIK promulgated regulations that addressed the civil and legal responsibilities of governmental entities and private individuals and ratified laws passed by the Kosovo Assembly. The UNMIK-promulgated Constitutional Framework for Provisional Self-Government in Kosovo (the constitutional

framework) defines the provisional institutions of self government (PISG). Multiparty elections in October 2004 for seats in the Assembly were generally free and fair. UNMIK international civilian authorities and a UN-authorized North Atlantic Treaty Organization peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces; however, there were reports that local elements of the security forces acted independently of their respective authority.

UNMIK and the PISG generally respected the human rights of residents; however, there were serious problems in some areas, particularly relating to minority populations. The following human rights problems were reported:

- politically and ethnically motivated killings
- deaths and injuries from unexploded ordnance or landmines
- lengthy pretrial detention and lack of judicial due process
- corruption and government interference in the judiciary
- attacks and harassment against journalists
- societal antipathy against Serbs and the Serbian Orthodox Church
- restrictions on freedom of movement for minorities, particularly ethnic Serbs
- lack of progress returning internally displaced persons to their homes
- a widespread perception of corruption in the PISG
- violence and discrimination against women
- trafficking in persons, particularly girls and women for sexual exploitation
- societal violence, abuse, and discrimination against minority communities
- societal discrimination against persons with disabilities
- child labor in the informal sector

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that UNMIK, the PISG, KFOR, or their agents committed unlawful or arbitrary killings.

During the year unexploded ordnance from the 1999 conflict or landmines killed two children and seriously injured three, compared with one fatality and 13 serious injuries in 2004. Unexploded ordnance remained a threat to civilians.

There was one apparent politically motivated killing of a police officer. On January 13, unknown persons detonated a bomb under an official UNMIK vehicle, killing Omar Ali, an UNMIK police officer.

On April 7, authorities charged Shkumbin Mehmeti, Florim Ejupi, Xhavit Kosumi, and Faik Shaqiri with murder for the killing of a Kosovo Police Service (KPS) officer and an UNMIK police officer in Podujeve/Podujevo municipality after the March 2004 riots. All remained in custody awaiting trial at year's end.

There were apparent politically motivated killings of ethnic Albanians. On January 31, unknown persons shot and killed Sadik Musaj, a witness at the "Dukagjini group" trial. On April 6, unknown persons killed Muhamet Sallaj, a former Kosovo Liberation Army (KLA) member. On April 15, unknown persons killed Enver Haradinaj, brother of former prime minister and Alliance for the Future of Kosovo (AAK) President Ramush Haradinaj; on July 25, Tasim Osaja, a suspect in the killing, turned himself in to police in response to a warrant for his arrest. On June 4, unknown persons shot journalist Bardil Ajeti of the Albanian language daily *Bota Sot* in a drive-by shooting; Ajeti died 20 days later from his injuries. In another drive-by shooting on July 12, unknown persons killed Muhamet Xhemajili, former commander of the UCPMB, the armed ethnic Albanian group previously active in Serbia's Presevo Valley. On September 5, a car explosion killed Kosovo Protection Corps and former KLA member, Naser Ramaj and his brother Jeton. On October 10, unknown persons shot and killed Hasan Rrustemi, a witness in the pending war crimes trial of former KLA (and former Kosovo Protection Corps) Commander Selimi Krasniqi.

There were apparent ethnically motivated killings of Serbs during the year. On August 28, unknown persons shot and killed Ivan Dejavnovic and Aleksandar Stankovic and injured two passengers in their car in the Serb-majority municipality of Strpce.

In a possible politically motivated attack, on October 11, unknown persons killed ethnic Turk Ibish Cakalli, a member of the Turk Democratic Party of Kosovo.

On May 18, an international panel of judges convicted six ethnic Albanians in connection with the killing of two ethnic Serbs during the March 2004 riots: Nexhat Ramadani was sentenced to 16 years, Xheladin Salihu to 11 years, Scaip Ibrahim

to 3½ years, and Agron Ibrahim, Agim Abdullahu and Sadri Shabani were each given 2½ years in prison.

During the year a court acquitted Albanian Labinot Gashi, who was arrested by KPS police for the June 2004 killing of 17-year-old ethnic Serb Dimitrije Popovic and serious injury of another ethnic Serb teenager in a drive-by shooting. The trial of a second ethnic Albanian defendant, Albert Krasniqi, was ongoing at year's end.

There were no developments in the March 2004 killing of the father of Avni Elezaj, a former KLA fighter and bodyguard of former prime minister and AAK President Ramush Haradinaj.

There were no developments in the following 2003 cases: The killing of two witnesses in the Dukagjini group case, Tahir Zemaj and Ilir Selimaj; the sniper killing of UNMIK police officer Satish Menon; and the separate killings of KPS officers Hajdar Ahmeti and Agim Makolli. Bedri Krasniqi remained at large for the suspected 2003 killing of KPS members Sebahate Tolaj and Isuf Haklaj.

On April 7, authorities indicted Florim Ejupi on charges that he and accomplices planned and executed the 2001 Merdare bus bombing near Podujeve/Podujevo that killed 11 ethnic Serbs and wounded 40. A second April 7 indictment accused Ejupi, Shkumbin Mehmeti, Xavit Kosumi, and Faik Shaqiri of involvement in a March 2004 attack on international and KPS police at a road checkpoint established after the March 2004 riots.

b. Disappearance.—There were no reports of politically motivated disappearances; however, there were still over two thousand persons missing from the 1999 conflict whose remains had not been identified or whereabouts determined.

A working group of Pristina and Belgrade officials on persons missing from the 1999 conflict met five times during the year under International Committee for the Red Cross (ICRC) auspices. During the year the group accounted for approximately 560 sets of human remains and added 57 persons previously unaccounted for to its list of the missing. According to the ICRC, 2,464 persons were unaccounted for as of December, compared with more than 3 thousand at the beginning of the year. Of those still unaccounted for, the ICRC reported that 75 percent were ethnic Albanians, 17 percent were ethnic Serbs, 4 percent were from the Roma, Ashkalia, and Egyptian communities, and 3 percent were from other ethnic groups.

During the year UNMIK's missing persons and forensics office continued to identify the remains of missing persons in Kosovo. From its establishment in 2002 through the end of the December, the office performed 446 field operations and exhumations. Many bodies of missing persons have been recovered and the focus was on establishing the identities of the 1,389 sets of human remains discovered and received since 2002. By October the missing persons and forensics office submitted 2,655 bone samples for DNA testing to the International Commission on Missing Persons, which had returned 1,484 results.

In April the Office of Missing Persons and Forensics began excavation of a cave and its surrounding area in Kline/Klina municipality that was used to dispose of 21 human remains.

UNMIK continued to encourage the Serbian government to accelerate its cooperation on transferring identified remains of Kosovar victims of the 1999 war found in mass graves in Serbia; however, progress was slow. The missing persons and forensics office received 638 bodies, most of which were returned to families for burial. Families of the missing continued to demand that the Serbian government return all Kosovar remains still in Serbia and provide access to government files that might indicate locations of additional mass graves or places where Kosovar bodies may have been incinerated.

In 2004 the Prizren prosecutor's office announced arrest warrants for two former ethnic Serb policemen, Goran Janjusevic and Slavisa Milkovic, for committing war crimes against the civilian population in the Prizren region, including the kidnapping and killing of Ardian Zyrragju during the 1999 conflict. The suspects remained at large at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitutional framework and criminal procedure code prohibit such practices, and there were no reports that UNMIK or KFOR employed them.

In June members of activist Albin Kurti's Kosovo Self-Determination movement began spray-painting their "no negotiation, self-determination" slogan on buildings and other property, escalating their activity during the year. On October 19, the KPS reportedly arrested and abused protestors, some of whom had spray-painted slogans on UN vehicles, following a demonstration in Pristina by members of the movement. In an October 25 letter to the UN special representative concerning the incident, Kosovo Ombudsperson Marek Nowicki cited eyewitness reports that "many" activists had experienced "severe ill-treatment" during their arrest and

statements by persons who had been arrested that the ill-treatment continued after they had been taken into custody. An internal KPS investigation was ongoing at year's end.

Some individuals accused KFOR of using excessive force in executing searches. On September 18, UNMIK police and the KPS with KFOR support searched a private home and arrested four ethnic Serbs in Gracanica suspected of participating in a number of killings in Lipjan/Lipljan municipality in 1999. The family reported pushing and shoving by the KFOR soldiers and KPS officers who conducted the raid; the case was turned over to an international prosecutor, and the investigation was continuing at year's end.

On August 22, an international public prosecutor rejected a motion to allow the release of KPC Commander General Selim Krasniqi, under arrest with four other KPC officers for suspected involvement in 1998 abuse of persons in the Drenovac detention camp in the Prizren area. On August 22, the court released one of the five officers, Milaim Latifi, who was reinstated in the KPC.

There were reports of attacks and threats against ethnic Albanian political and institutional figures as well as private persons. On March 15, unknown persons detonated an explosive device near President Ibrahim Rugova's motorcade, causing injury to bystanders. On April 18, unknown persons detonated an explosive at the headquarters of the opposition political party Ora, injuring several persons in apartments above the offices. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases.

There were reports of politically motivated violence against ethnic Serbs during the year. On February 8, unknown persons destroyed the official vehicle of ethnic Serb leader Oliver Ivanovic with explosives, but caused no casualties. On July 4, unknown persons threw a hand grenade into the Zubin Potok offices of the Serbian Democratic Party for Kosovo and Metohija.

During the year authorities brought a number of persons to court for crimes related to the interethnic riots in March 2004 (see section 5).

Prison and Detention Center Conditions.—Prison and detention centers generally met international standards, and UNMIK permitted visits by independent human rights observers; however, a local nongovernmental organization (NGO), Council for Defense of Human Rights and Freedoms (CDHRF), claimed that UNMIK prohibited it from visiting detainees in prisons and detention centers since May.

Facilities were at times overcrowded; however, the construction of two new facilities continued during the year. UNMIK police corrections officers managed prisons and detention centers but increasingly transferred responsibilities to the Kosovo Correctional Service.

There were prisons in Lipjan and Dubrava as well as five detention centers in operation during the year. The CDHRF reported receiving approximately 10 telephone calls a day from prisoners and their families charging abuse and excessive solitary confinement in prison. While women and juveniles are supposed to be held separately from men, the CDHRF stated that there were cases of women and juveniles being held in Lipjan/Lipljan prison in close proximity to men serving sentences for lesser crimes.

In December the OSCE found deficiencies in hygiene in holding cells but noted improvements in the conditions since 2002 due to UNMIK/KPS refurbishment of existing cells and the construction of new cells at police stations.

UNMIK reported that 35 disciplinary proceedings were brought against members of the Kosovo Correctional Service during the year, resulting in 1 dismissal, 1 suspension, 20 written warnings, 12 oral warnings and 1 suspension of promotion.

There were no reports that international prison monitoring groups visited Kosovo's prisons or detention centers during the year.

d. Arbitrary Arrest or Detention.—The constitutional framework and criminal procedure code prohibit arbitrary arrest and detention, and UNMIK, KFOR, and the PISG generally observed these prohibitions in practice.

Role of the Police and Security Apparatus.—UNMIK continued to transfer police authority and functions to the KPS, while maintaining oversight. An international commissioner of police directed both UNMIK police and the KPS. The combined force was generally effective and constituted an improvement over previous years. Members of ethnic minorities made up approximately 16 percent of the KPS' 6,900 officers at year's end, compared with 15 percent in 2004.

The International Crisis Group reported that corruption in the security forces was a problem, particularly in the KPS border police.

An UNMIK office of oversight investigated corruption in UNMIK and the criminal justice system. The judicial system effectively prosecuted members of the security forces who committed abuses. The KPS professional standards unit, run by UNMIK

police, conducted over two hundred disciplinary investigations against KPS officers for participating in or failing to prevent violence in the March 2004 riots; most of these investigations were still ongoing at year's end.

As of November, of the 426 persons charged with criminal offences in connection with the March 2004 riots, the courts had convicted 209 and acquitted 12. There were 110 cases pending and charges were dropped in 95 cases. A December OSCE report accused the courts of inadequate charging and sentencing as well as the improper use of plea bargains, which are neither explicitly allowed nor regulated by law. The ability of authorities to conduct criminal investigations into the riots were hampered by the displacement of injured parties out of Kosovo, loss of material evidence, and witness intimidation or unwillingness to testify.

Arrest and Detention.—Police generally arrested suspects openly using a warrant issued by a judge or prosecutor; however, in certain high-security cases, suspects were arrested secretly by masked or undercover police officers. By law, arrests must be based on prosecutor orders and arrestees must be brought before a judge within 72 hours; however, there were reports that UNMIK police abused this authority by arresting persons, particularly petty offenders, and holding them for less than 72 hours with no intention of bringing charges and longer than 72 hours without bringing formal charges. Suspects have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to free assistance of an interpreter; to defense counsel and to have defense counsel provided if they cannot afford to pay for legal assistance; to medical treatment including psychiatric treatment; and to notify a family member. UNMIK police and the KPS generally respected these rights in practice. The law permits bail as an alternative to detention on remand, but this was applied in only a handful of cases.

KFOR could arrest and detain individuals without a warrant, and the KFOR commander could extend the detention of individuals in 30 day increments without charging them with a crime before a court, provided they were not released by a court. There were no reports that KFOR arrested persons without a warrant during the year.

There were no reports that KFOR, UNMIK, or the KPS held political detainees during the year.

UNMIK police and the KPS may hold individuals in pretrial detention for a maximum period of 1 month from the day of arrest, which could be extended by the courts up to a total of 18 months. The average length of pretrial detention was 30 days. The law allows for house arrest, an appeal for detention on remand, and expanded use of bail as alternatives to pretrial detention. There was a backlog of 700 to 800 pretrial detainees, and approximately 2,200 persons were detained on remand during the year.

e. Denial of Fair Public Trial.—The constitutional framework provides for an independent judiciary; however, the local judiciary was at times biased and subject to outside influence, particularly in interethnic cases, and did not always provide due process. There were credible reports of corruption in the local judiciary and that the Supreme Court and other courts deferred to the government in some cases.

Legal authority is held by UNMIK under UNSC Resolution 1244. UNMIK police and justice authorities held executive responsibility for the judicial system but worked with local judges and prosecutors. The Serbian government operated a non-sanctioned parallel judicial system in ethnic Serb enclaves.

The court system includes a Supreme Court, 5 district courts, 25 municipal courts, and a Commercial Court. On December 27, the number of UNMIK-appointed international judges was reduced from 18 to 14, and the number of international prosecutors rose from 8 to 13. At the end of the third quarter, there were 125,974 criminal and civil cases waiting resolution in the municipal courts and 11,924 criminal and civil cases waiting resolution in the district courts. The Supreme Court had 1,445 unresolved cases on its docket at the end of the third quarter.

UNMIK's judicial inspection unit monitored judicial performance and made recommendations on discipline and training. The joint UNMIK/PISG Kosovo Judicial and Prosecutorial Council (KJPC) was responsible for the review of cases of judicial misconduct. As of December 27, the KJPC had received 266 complaints of judicial and prosecutorial misconduct, including 10 allegations of commission of a criminal act, 170 allegations of neglect of judicial/prosecutorial functions (95 for delay of cases), 20 allegations of breach of impartiality, 6 complaints of ethnic bias, and 24 allegations of breach of ethics. The KJPC had completed investigation of 159 complaints, dismissing 147 and recommending 12 for disciplinary action.

While the law provides that a panel of two professional and three lay judges tries serious cases, an UNMIK regulation authorizes international prosecutors to try

cases of a sensitive ethnic or political nature, including before a panel of three international judges. Of the 250 active cases handled by international prosecutors through September, international judges tried approximately 75 with a conviction rate of over 90 percent.

Trial Procedures.—Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation, at public expense if necessary; however, these procedures were rarely used in practice. Defendants are presumed innocent until proven guilty and have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

Legal experts and human rights observers continued to express concern over a lack of fairness in criminal trials involving ethnic minorities prosecuted or tried by ethnic Albanian judicial personnel. The UNMIK-established judicial integration section continued to address judicial system problems that affected minorities. In addition, UNMIK operated nine court liaison offices, four of which were created during the year, to assist minority communities in ethnic Serb-majority areas by accompanying members of minorities to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and internally displaced persons (IDPs).

Kosovo's investigative, judicial, and penal systems and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to identify and punish perpetrators of war crimes from the 1999 conflict; however, many cases remained unresolved. Trials continued in local courts to adjudicate approximately 40 cases of alleged war crimes and genocide arising from the 1999 conflict. For example, on May 12, a Pristina district court found three of five former KLA fighters of the "Kacaniku group" guilty of war crimes committed against civilians between February 27 and March 21, 1999 and sentenced them to prison for three to five years; the court acquitted the other two defendants. The war crimes case against former KLA (and former Kosovo Protection Corps) Commander Selimi Krasniqi was in pretrial process at year's end. On October 10, a witness in the case, Hasan Rustemi, was shot and killed.

Political Prisoners.—There were no reports that KFOR, UNMIK, or the PISG held political prisoners during the year.

Property Restitution.—The UNMIK Housing and Property Directorate (HPD) is responsible for the resolution of residential property claims associated with the 1999 conflict. In Mitrovica, ethnic Serbs in the northern part of the city continued to occupy ethnic Albanian properties, while ethnic Albanians in the southern part occupied and denied ethnic Serbs access to their property. By year's end the HPD reported that it had decided all of the 1,824 property claims in north Mitrovica, Leposavic, and Zvecan and all 29 thousand overall claims. In over half of these cases, HPD resolved claims by allowing squatters to remain in place with owner permission and HPD administration of the property.

More than 17 thousand property-related claims were backlogged in municipal courts; these were almost exclusively monetary claims by ethnic Serbs for war-related damage. The OSCE estimated that 11 thousand additional claims involving agricultural and commercial property were awaiting adjudication at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—UNMIK regulations and the constitutional framework prohibits such actions, and UNMIK, KFOR, and the PISG generally respected these prohibitions in practice; however, KFOR forces assisted UNMIK civilian police and the KPS in conducting searches for high-risk suspects and independently searched private property for weapons without court orders, based on UNSC Resolution 1244's peacekeeping authority.

Section 2. Respect for Civil Liberties

a. Freedom of Speech and Press.—UNMIK regulations and the constitutional framework provide for freedom of speech and of the press, and UNMIK and KFOR generally respected these rights in practice; however, there were allegations that the PISG interfered with freedom of speech and press, particularly with media outlets that were critical of its positions and performance.

Individuals could generally criticize authorities publicly or privately without reprisal.

UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence.

The 111 licensed independent broadcast outlets (89 radio and 22 television stations) were active and expressed a wide variety of views. International authorities controlled Radio Television Kosovo (RTK), Kosovo's public broadcasting company. The PISG did not own or expressly control any media outlets.

The office of the temporary media commissioner implemented UNMIK regulations governing the media and enforced codes of conduct on broadcasting and the print media. As envisioned in the constitutional framework, on April 21, the Kosovo Assembly passed and, on July 11, the special representative of the UN secretary-general (SRSG) promulgated, a law on the formation of a permanent independent media commission to regulate the broadcast media. Adoption of the law set in motion a transition, which began in September, during which the office of the temporary commissioner will evolve into the permanent commission overseen by a seven-member governing council.

On March 18, leading print media representatives adopted a press code and, on August 10, adopted the statute for a press council to provide for self-regulation of the print media. The temporary commissioner's office phased out its regulation of print media in October.

The PISG occasionally interfered with the media. On December 15, a local television station was covering a story on alleged fiscal misconduct by Enver Muja, chief executive officer of Gjilan/Gnjilane municipality, in the building of a road. Police reports stated that Muja's bodyguard and two friends attacked three television reporters, injuring one and breaking a television camera. Thirteen journalists in Gjilan/Gnjilane subsequently resigned, accusing their employer of trying to block the story due to pressure from the municipality.

During the year the office of the temporary media commissioner (TMC) fined *Bota Sot* approximately \$78 thousand (65 thousand euros) and *Pavaresia*, which subsequently ceased publication, approximately \$10,800 (9 thousand euros) for election-period violations committed in September and October 2004.

On August 9, the TMC fined ethnic Serb newspaper *Jedinstvo* \$13,200 (11 thousand euros) for publication of false articles denigrating a specific ethnic group and failure to publish a timely correction. The fine was later reduced to \$8,400 (7 thousand euros).

On June 3, unknown persons shot and mortally wounded the editor of *Bota Sot*, Bardhyl Ajeti. The temporary commissioner's office reported that the attack followed contacts between Ajeti and the commissioner's office during which Ajeti stated that he disagreed with the *Bota Sot* editorial positions and intended to leave the newspaper with other staff members to start a new publication. Police investigation of the killing continued at year's end.

The Association of Professional Journalists of Kosovo (APJK) reported that, on March 30, KPS officers physically assaulted Behxhet Begu and Bardh Bekteshi from RTK in Vushtrri for allegedly parking their car illegally on municipal property. An internal KPS investigation was ongoing at year's end.

The APJK reported that, on October 19, KPS officers assaulted and arrested journalists at a demonstration by members of the Self-Determination movement. In an October 25 letter to the UN special representative, Kosovo Ombudsperson Marek Nowicki called for an independent investigation of the KPS action in the incident, alleging that the KPS arrested two journalists who were photographing the demonstration, mistreating one. Some eye-witnesses stated that the journalists were participants in the demonstration. An internal KPS investigation was ongoing at year's end.

The APJK reported other incidents of harassment of the media during the year. In February the association accused the KPC of blocking filming of Serbian President Boris Tadic's visit to Kosovo. The APJK also reported that unknown persons made telephone death threats to the editor in chief of radio *Top Ilira* in February to stop reporting on the Democratic League of Kosovo (LDK) party.

There were no UNMIK, KFOR, or PISG restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—UNMIK regulations and the constitutional framework provide for freedom of assembly, and UNMIK, KFOR, and the PISG generally respected this right in practice.

UNMIK required demonstration organizers to notify it 48 hours in advance for police coordination. KPS and UNMIK police rarely used force to disperse demonstrations.

On October 19, members of the KPS allegedly physically abused demonstrators while arresting and detaining them following a demonstration in Pristina (see section 1.c.).

Freedom of Association.—UNMIK regulations and the constitutional framework provide for freedom of association, and UNMIK, KFOR, and the PISG generally respected this right in practice.

UNMIK routinely registered political parties and NGOs.

c. Freedom of Religion.—UNMIK regulations and the constitutional framework provide for freedom of religion, and UNMIK and the PISG generally respected this right in practice.

There are no specific licensing regulations for religious groups; however, religious organizations must register as NGOs with UNMIK and the Ministry of Public Services in order to purchase property or receive funding from UNMIK or other international organizations.

Religious identity and ethnicity were closely intertwined. Ethnic Serbs identified with the Serbian Orthodox Church, which influenced their cultural, historical, political, and religious views (see section 5). While significant parts of the ethnic Albanian community continued to view the Serbian Orthodox Church as a symbol of Serbian nationalism, relations between leaders of the ethnic Albanian community and the Serbian Orthodox Church improved slightly during the year as PISG officials and political figures met on several occasions with church clergy.

In April primary school authorities dismissed a student from class for wearing a headscarf. A similar case resulted in a June 2004 opinion from the Organization for Security and Cooperation in Europe (OSCE)-funded ombudsman that the ministry's prohibition of headscarves should only apply to school teachers and officials, not students. Both parties filed petitions with the Ministry of Education and formal complaints with the OSCE ombudsman; the investigations were ongoing at year's end.

On May 23, the media reported that a public school principal suspended a teacher for wearing a headscarf to class, citing a law that obligates public education institutions to adopt a neutral attitude towards religion. On May 29, the Pristina municipality department of education dismissed the teacher.

Protestants also reported that school authorities sometimes called in parents of pupils to deter their children from following Protestantism.

The Islamic community continued to allege that UNMIK's denial of a radio frequency for an Islamic radio station, the closing of a prayer room in the national library, and the refusal of Pristina municipality to grant public land to build a mosque were examples of a lack of religious freedom.

Protestants alleged discrimination in access to the media, particularly by the RTK, which had denied the protestant community's request for its own television broadcast.

Societal Abuses and Discrimination.—Ethnic Albanian attacks on Serbian Orthodox churches and cemeteries during the March 2004 riots resulted in extensive property damage, including the destruction or damaging of 30 religious sites, some dating from the 14th century. A Council of Europe mission assessed that approximately \$13.1 million (9.7 million euros) would be required to repair and restore the damaged sites. The riots halted the transfer of responsibility for protection of Serbian Orthodox churches and other religious symbols from KFOR to UNMIK police and the KPS; however, the transfer process has since continued for minor religious sites.

Security concerns prevented monks and nuns at some Serbian Orthodox monasteries from using parts of monastery properties, and ethnic Serb families reported fear in traveling between Kosovo and Serbia to join relatives for religious holidays or ceremonies. To lessen concerns about security, UNMIK police deployed 350 international police officers in January to 30 locations designated for returning displaced ethnic Serbs and inhabited by ethnic Serbs. Bishop Teodosije of the Serbian Orthodox Church asserted that, on December 31, the municipality of Gjakova erected a monument to ethnic Albanian members of the KLA on land owned by the church.

Approximately 40 individuals from two families in Prizren have some Jewish roots, but there are no synagogues or Jewish institutions. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—UNMIK regulations and the constitutional framework provide for freedom of movement; however, interethnic tensions and real and perceived security concerns restricted freedom of movement. During the year UNMIK, KFOR, and the PISG generally improved protection of these rights for minority communities.

Sporadic incidents of violence and intimidation targeting minorities continued to limit freedom of movement for ethnic Albanians in northern Kosovo. The PISG and UNMIK enhanced efforts to facilitate minority travel throughout Kosovo, but real and perceived risks deterred many minorities from traveling outside of their neighborhood.

To reduce the risk of attack by making ethnic Serb and ethnic Albanian vehicles indistinguishable, UNMIK continued to offer Kosovo license plates at no fee to ethnic Serbs who had already registered their vehicles in Serbia.

On April 22, KFOR withdrew its armored vehicles and barricades from the Austertitz bridge connecting ethnic Serb-majority northern Mitrovica with ethnic Albanian-majority southern Mitrovica. The KPS assumed control of the bridge on June 6; on July 18, it opened to all civilian traffic for the first time since 1999. However, very few persons drove vehicles with Kosovo license plates across the bridge for fear of attack in northern Mitrovica.

UNMIK regulations provide that the central civil registry may issue travel documents to any person registered as a habitual resident of Kosovo, and the registry routinely issued such documents in practice. On October 3, UNMIK transferred managerial and operational responsibility for the registry to the PISG, but retained its overall authority, including for the issuance of UNMIK travel documents and the security of the central registration database.

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

UNMIK regulated movement in and out of Kosovo.

Internally Displaced Persons (IDPs).—According to the Office of the UN High Commissioner for Refugees (UNHCR), approximately 225,487 persons remained displaced within Serbia and Montenegro at year's end from the 1999 conflict, while 1,364 of the 4,100 persons driven from their homes in the March 2004 riots, mostly from Mitrovica and Pristina, remained displaced. Few IDPs returned during the year due to uncertainty over Kosovo's future political status, lack of employment opportunities, security concerns, and property disputes. While some international agencies, NGOs, and the PISG continued to organize small-scale return projects, observers criticized the newly-created PISG Ministry of Communities and Returns for delaying disbursement of PISG funding for return projects. Municipalities hired staff and devised municipal return strategies without appreciative tangible results.

The UNHCR reported that 2,048 minorities returned to Kosovo during the year, including ethnic Albanians who returned to areas where they are a minority. Overall minority returns since 2000 stood at 14,433 at the end of the year. A slightly smaller number of ethnic Serbs returned compared to 2004, when more Bosniaks and Goranis returned. Ethnic Serbs made up approximately 35 percent of returnees during the year, compared with 33 percent in 2004. Roma (including Ashkalia and Egyptians) continued to return in slightly greater numbers, making up 45 percent of the overall number of returns. In Mitrovica ethnic Serbs in the north of the city and ethnic Albanians in the south continued to illegally occupy each others' properties, hindering potential returnees.

Although the PISG reconstructed more than 95 percent of the homes damaged or destroyed in the March 2004 riots, a number of the individuals displaced by the riots have not returned due to both a real and perceived lack of security, unemployment, and residents' complaints about the quality of reconstruction. The prospect for returns varied according to region and ethnic group.

During the year UNMIK began construction on a relocation facility to eventually accommodate approximately 531 Roma, Ashkali, and Egyptian IDPs living in three lead-polluted camps in northern Kosovo; however, all the IDPs remained in the polluted camps at year's end. World Health Organization testing showed dangerously high blood-lead levels in many camp residents. UNMIK began a concurrent donor funding campaign to rebuild the IDPs' original neighborhood in south Mitrovica, which was destroyed in 1999 by ethnic Albanians, who accused Roma of being Serb collaborators, but completed only limited clearing of rubble by year's end. Limited funding slowed the return project. On September 2, the European Roma Rights Center filed an appeal to the Kosovo prosecutor's office to initiate a criminal investigation into the matter; no formal charges had been filed at year's end.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol; however, UNMIK granted displaced persons with status as "persons with temporary protection in Kosovo." In practice, UNMIK provided protection against *refoulement*, the return of persons to a country where they feared persecution; however, UNMIK did not grant refugee status or asylum. UNMIK cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

UNMIK regulations and the constitutional framework provide residents with the right to change their government peacefully, and they exercised this right in prac-

tice through periodic and generally free and fair elections on the basis of universal suffrage.

Kosovo continued to be administered under the civil authority of UNMIK. UNMIK and its chief administrator, the SRSG, established an international civil administration in 1999 following the North Atlantic Treaty Organization military campaign that forced the withdrawal of Serbian forces. In 2001 UNMIK promulgated the constitutional framework for the PISG. Under the constitutional framework, a 120-member Kosovo Assembly selects a president, a prime minister, and other ministers and PISG officials. Kosovo's leaders continued to criticize UNMIK for the slow pace of transfer of powers to the PISG; however, the international mission retained a number of competencies, including security and relations with foreign governments

Elections and Political Participation.—International and domestic observers determined that the October 2004 Assembly elections were generally free and fair, although less than five percent of ethnic Serbs participated, largely due to Serbian government pressure not to vote. Kosovo has a multiparty system dominated by four virtually monoethnic Albanian parties with several minority parties and coalitions.

Under UNMIK regulations, individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select candidate lists. The largest party, the LDK, all but ignored this requirement at its party convention in 2004. Party affiliation played an important role in access to government services and social opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial role, in political organizations.

There were reports of attacks and threats against ethnic Albanian political and institutional figures (see section 1.c.).

There were 36 women in the 120-seat Assembly. Women must occupy every third spot on each political party's candidate list. There were no women on the eight-member Assembly directive body and only one female minister. Women represented 28 percent of the elected municipal representatives. On September 20, 34 female Assembly members established an informal women's caucus with an eight-person, multi-ethnic board.

There were 21 ethnic minority members in the 120-seat Assembly, including 10 ethnic Serbs and 11 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were two minority PISG ministers, one ethnic Serb and one Bosniak, and three minority deputy ministers. One Bosniak and one ethnic Turk held a rotating seat on the Assembly presidency; the Serb boycott left empty the set-aside seat for one ethnic Serb. At year's end ethnic Serbs in the largest Kosovo Serb political party had not claimed their set-aside cabinet posts and continued to boycott the Assembly; however, members of Slavisa Petkovic's political party took up 2 of the set-aside seats and led a ministry. The constitutional framework requires that the Assembly reserve 10 seats for ethnic Serbs and 10 for members of other ethnic groups, but ethnic minorities were underrepresented at the municipal level.

Government Corruption and Transparency.—There was a widespread public perception of corruption in both the PISG and UNMIK. There were credible reports of irregularities involving the PISG's handling of its first international tender for a mobile phone license. UNMIK voided the PISG-selected winner, requesting the tender be reissued. The main opposition party, the Democratic Party of Kosovo, continued to criticize the government for corruption and presented its allegations to UNMIK for investigation; at year's end UNMIK stated that its investigation was continuing.

In 2003 UNMIK promulgated a law on the access to official documents; however, the law exempts UNMIK documents and was rarely used. According to OSCE reports, the PISG did not provide public access to documents during the year.

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

A wide variety of domestic and international human rights groups generally operated without restriction, investigating and publishing their findings on human rights cases. UNMIK, KFOR, and the PISG were generally cooperative and responsive to their views.

Domestic NGOs proliferated with the large influx of donor funding immediately following the 1999 conflict, resulting in a robust civil society and multiple, competing NGOs. Domestic NGOs complained that donor funding is no longer as available. Religious NGOs complained about the lack of a tax exemption on some items imported into Kosovo; some religious NGOs reported faith-based discrimination.

The International Organization for Migration (IOM) coordinated training and projects for the KPC in collaboration with other NGOs. Human rights observers, in-

cluding those of the OSCE and some local NGOs, were active in documenting ethnically or politically motivated killings, attacks, and incidents of intimidation.

An OSCE-funded ombudsperson investigated allegations of government abuses of international human rights laws. While the ombudsperson's office actively issued reports and recommendations, its recommendations were rarely followed by UNMIK, particularly UNMIK police. Most cases investigated by the office concerned property rights, abuse of official authority, administrative acts or omissions by public authorities, issues involving the fairness and length of court proceedings, employment-related disputes, and impunity.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY regarding crimes committed during the 1999 conflict. On March 10, the ICTY indicted then-prime minister Ramush Haradinaj and co-defendants Idriz Balaj and Lahi Brahimaj. On November 30, the ICTY concluded the trial of Fatmir Limaj, PDK caucus leader, and two other ethnic Albanians, Haradin Balaj and Isak Musliu, begun in November 2004. In its first decision with respect to the Kosovo conflict, the tribunal sentenced Balaj to 13 years' imprisonment and acquitted Limaj and Musliu.

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

UNMIK regulations specifically prohibit discrimination on the basis of race, gender, ethnic origin, disability, or language; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

Women.—Domestic violence against women, including spousal abuse, remained a serious and persistent problem. UNMIK regulations prohibit domestic violence and convictions carry prison terms of 6 months to 5 years. When victims did press charges, the KPS conducted investigations and brought the cases to court. According to UNMIK, family loyalties and close-knit communities and the backlog of cases in both civil and criminal courts added to a low rate of prosecution.

The Center for Protection of Women and Children, a local NGO, received approximately 3,650 requests for assistance from victims of violence during the year. Through October, UNMIK victim advocates were involved in 1,468 domestic violence cases. The judicial system processed 77 protection orders from January to October; authorities arrested 341 persons, resulting in the opening of 1,045 cases. A total of 52 of the 53 cases completed by October resulted in convictions, with sentences ranging from judicial reprimands to imprisonment. Traditional social attitudes towards women in this male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

There were no governmental agencies dedicated solely to dealing with family violence. Four shelters assisted victims of domestic violence and trafficking, two run by local NGOs and two by international NGOs. The KPS reported that 66 victims of domestic violence received shelter during the year. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence about domestic violence, sexual abuse, and rape.

During the year the OSCE, the prime minister's office, and UNMIK established an anonymous hotline to report domestic abuse. In addition, the KPS training school offered special courses on domestic violence and rape in its curriculum.

UNMIK regulations criminalize rape; however, spousal rape is not specifically addressed. Under Kosovar law, rape is punishable by 1 to 10 years in prison; statutory rape (sexual intercourse with a girl under 14) is punishable by 1 to 5 years in prison.

Rape was significantly underreported due to the cultural stigma attached to victims and their families. According to UNMIK, victim advocates provided services to victims in approximately 30 cases of rape. By October courts processed approximately 50 cases of rape resulting in 60 convictions; some cases involved multiple defendants.

The law prohibits prostitution, but prostitution remained prevalent. The UNMIK police trafficking and prostitution investigation unit investigated cases of prostitution and suspected trafficking in persons.

Trafficking in women for the purpose of sexual exploitation was a serious problem (see section 5, Trafficking).

There was no specific law against sexual harassment, which was a common problem. Social awareness of sexual harassment remained low, and few cases were reported.

Women have the same legal rights as men, but traditionally not the same social status, which affected their treatment within the legal system. Despite a lack of legal impediments, relatively few women obtained upper-level management positions in commerce, the KPS, or government. While the number of women with jobs continued to increase, female unemployment remained high at around 70 percent,

compared with 40 to 70 percent unemployment in the general population. Traditional social attitudes toward women resulted in discrimination. In some rural areas, women often had little ability to make decisions involving their children or to exercise control over property. While women and men have an equal legal right to inherit property, family property customarily passes only to men. Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family, while the widow returns to her birth family.

In August the prime minister's office created an office for gender equality, which began coordinating gender outreach efforts with the UNMIK office of gender affairs. During the year the office for gender equality assumed responsibility over 26 ethnic Albanian and 4 ethnic Serb municipal gender officers previously under the office of good governance. In October the Assembly established a functional subcommittee on Human Rights, Gender Equality, Petitions and Public Claims.

To combat discrimination against women, UNMIK integrated antidiscrimination, antitrafficking, and human rights into the legal curriculum at the University of Pristina during the year.

Children.—UNMIK and the PISG were generally committed to the welfare and rights of children.

UNMIK regulations require children between the ages of 6 and 15 to enroll in public school; however, a few children from minority (excluding ethnic Serb) communities did not attend PISG-run public school due to security concerns. Primary education is free. According to UNICEF, 97.5 percent of ethnic Albanian and 99 percent of ethnic Serbian children were enrolled in primary school, while only 77 percent of children between the ages of 7 and 14 from non-Serb minority communities (Roma, Ashkalia, Egyptian, Turkish, Bosniak, Gorani, and others) were in school. The UN Children's Fund (UNICEF) reported that less than 52 percent of the children who completed primary education continued to secondary school; 43 percent of these were female. There were lower rates of secondary school attendance and completion for ethnic Albanian girls than for ethnic Albanian boys or ethnic Serb girls. Some children were forced to leave school early to work (see section 6.d.).

UNMIK regulations require equal conditions for school children and provide the right to native-language public education through secondary level for minority students. Schools teaching in Serbian, Bosnian, and Turkish operated during the year. Both ethnic Serb and ethnic Albanian children attended schools with inadequate facilities that lacked basic equipment. A few schools housed both ethnic Serb and ethnic Albanian pupils, who studied different curricula and rotated class schedules.

Romani, Ashkali, and Egyptian children attended mixed schools with ethnic Albanian children but reportedly faced intimidation in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age to contribute to family income. Some Bosniak children in predominantly Bosniak areas were occasionally able to obtain primary education in their language, but those few outside such areas received instruction in the majority Albanian language.

The government provided medical care, and boys and girls had equal access to it.

There were reports of child abuse, although it was not believed to be widespread; however, high unemployment and family dislocation resulted in a high rate of child abandonment. Since domestic adoptions and foster family programs did not keep pace with the rate of abandonment, authorities sometimes housed infants and children in group homes with few caregivers. Since the end of war in 1999, parents reportedly abandoned five hundred children. Children with disabilities were often hidden away without proper care, particularly in rural areas.

During the year the Ministry of Labor and Social Welfare operated 32 social welfare centers that assisted 1,250 orphans, 1,075 delinquent children, 50 abused children, 68 abandoned children, and 120 children with behavioral problems. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. According to the Center for Social Work, 19 abandoned disabled children, ranging from 3 to 18 years of age were living in government-funded homes under 24-hour care; 15 of these attended specialized schools.

Child marriage was reported to occur, especially among the ethnic Romani, Ashkali, Egyptian, and Albanian communities, although UNMIK did not compile statistics on the problem.

Children were trafficked for the purpose of sexual exploitation (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

Children and their families remained displaced from the 1999 conflict.

Trafficking in Persons.—UNMIK regulations criminalize trafficking in persons; however, trafficking of women and children remained a serious problem. There was evidence of both international and local official involvement in trafficking.

Conviction for trafficking is punishable by 2 to 20 years' imprisonment. Engaging or attempting to engage in trafficking is punishable by 2 to 12 years' imprisonment, or up to 15 years if the victim is a minor; organizing a group to engage in trafficking is punishable by 5 to 20 years' imprisonment; facilitating trafficking through negligence is punishable by 6 months to 5 years imprisonment. A client engaging in sex with a trafficking victim may be sentenced for up to 5 years, while sex with a trafficked minor carries penalties of up to 10 years imprisonment. Voluntary prostitution is punished as a minor offence; prostitutes can be punished, but not clients, unless the police can prove that a client knowingly used the services of a trafficking victim. Prostitution constitutes grounds for deportation.

During the year the UNMIK/KPS joint antitrafficking unit conducted 2,025 bar checks (25 of which were covert), 60 raids, and 2,386 inspections, resulting in the closing of 76 premises suspected of involvement in trafficking. UNMIK/KPS arrested 92 persons for trafficking in persons and made another 32 arrests for trafficking related offenses, resulting in 70 trafficking cases filed by the office of the prosecutor and 22 convictions. In July three Albanian citizens were convicted of trafficking, prostitution, and rape and sentenced to prison terms of 10 to 12 years; clients in the prostitution ring included KPS officers. Factors that contributed to a low number of prosecutions included the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures, the lack of a witness protection program (although anonymity is provided during trial through written testimony), inadequate training for judicial personnel, and failure of police to adapt to new techniques employed by traffickers.

UNMIK, the KPS, the border police, the OSCE, the office of good governance, and the ministries of health, education, public services, and labor and social welfare are responsible for combating trafficking. The PISG's action plan to combat trafficking was released in May with the purpose of consolidating government efforts to combat trafficking.

Kosovo was a source, transit, and destination point for trafficked persons. Internal trafficking was a growing problem. As in previous years, the vast majority of victims were women and children trafficked almost exclusively from Eastern Europe, the Balkans, and the former Soviet Union into Kosovo, primarily for sexual exploitation but also for domestic servitude or forced labor in bars and restaurants and through Kosovo to Macedonia, Albania, and Western Europe. During the year 30 of the 55 identified victims of trafficking were repatriated or returned to their community.

The Center for Protection of Women and Children assisted 59 victims of trafficking during the year, of whom 52 were female, 41 were minors, 50 were residents, and 46 were ethnic Albanians. According to the IOM, of the victims from outside Kosovo it has assisted since 2000, over 45 percent were from Moldova, 19 percent from Romania, 12 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia and Montenegro, Slovakia, and Nigeria. The majority of these victims were between the ages of 18 and 24 years. IOM figures indicated that 64 percent of Kosovar victims were internally trafficked, while approximately 15 percent were trafficked to Macedonia, and 13 percent to Albania and Italy. The IOM assisted 19 victims—all minors—during the year, 8 of whom were Kosovars.

The overall number of trafficking cases involving minors increased from 2004. Children and young girls from rural areas were particularly at risk of being trafficked, as were those from urban areas with a high level of poverty, unemployment, and illiteracy. The IOM reported that 73 percent of Kosovars who had been trafficked had completed only primary education.

Trafficking victims worked primarily in the sex industry, mostly in brothels and nightclubs but increasingly in private residences. Less than 20 percent reported that they were aware that they would be working in the sex industry when they left their homes. Trafficking victims reported that they were regularly subjected to beatings, rape, denial of access to health care, and confiscation of their travel and identity documents. Victims were often found in poor health and poor psychological condition.

UNMIK reported that traffickers often worked as part of a coordinated effort between ethnic Serbian and ethnic Albanian organized crime elements, with Serbia and Montenegro acting as a transit hub for trafficking victims from Eastern Europe into and through Kosovo. Bar and brothel owners purchased victims from organized crime rings.

Methods of trafficking increased in sophistication. In reaction to an aggressive eradication campaign by the UNMIK antitrafficking unit, traffickers shifted the commercial sex trade out of public bars and clubs and into private homes, where

operations were more difficult to detect. Traffickers increasingly used financial incentives to encourage victims to refuse assistance. The IOM reported that, of the 476 mainly international victims it has assisted since 2000, 40 percent fell prey to traffickers after accepting a bogus job offer abroad, 30 percent claimed to have been kidnapped, and 17 percent were promised marriage. In 83 percent of cases, recruiting was through personal common contacts; the recruiter was an acquaintance of the victim in 45 percent of the cases and a friend or family friend in approximately 10 percent. Recruiters were most often female.

There was anecdotal evidence during the year that some UNMIK and PISG employees condoned trafficking and that a complex set of financial relationships and kinship ties existed between political leaders and organized crime networks that had financial interests in trafficking. In addition some local prosecutors reported instances in which the same lawyer represented an accused trafficker as well as the victim.

During the year UNHCR official Rasheed Khoon was placed on trial before an international judge for having sexual intercourse with a minor trafficked female and providing narcotics to other trafficked minors between September and December 2004. On November 2, Khoon was sentenced to three years' imprisonment for one count of abusing a person under age 16 and falsifying an official document. An Albanian female accomplice was sentenced to two years' imprisonment.

While UNMIK regulations provide a defense for trafficking victims against criminal charges of prostitution and illegal border crossing, a few local judges sometimes incorrectly sentenced trafficking victims to prison. Some local judges also wrongly issued deportation orders against women convicted of prostitution or lack of documents; however, UNMIK did not enforce such orders. Cultural taboos and the threat of social discrimination caused most repatriated Kosovar victims to remain silent about their experiences.

International and local NGOs were the main source of assistance to trafficking victims. Local NGOs, such as United Methodist Committee on Relief and the Center for Protection of Women and Children, operated shelters that provided medical care and psychological counseling services to trafficking victims in cooperation with UNMIK, the OSCE, and the IOM. An interim secure facility also provided temporary shelter to victims while they considered whether to be repatriated or to testify against traffickers. Police often referred suspected trafficking victims to the IOM through OSCE regional officers.

The PISG became involved in treating victims of trafficking in January when the Ministry of Labor and Social Welfare, in cooperation with UNMIK and OSCE, opened a semi-independent supported housing unit for minors who were victims of trafficking, abuse, and domestic violence. Five young adults received room, board, education, and job training at the facility.

International organizations, particularly the IOM and NGOs, organized prevention campaigns to prevent trafficking. In July the IOM began a 12-month campaign to increase public awareness of the problem. The prime minister's office of good governance, the Ministry of Education, and the IOM distributed antitrafficking educational materials for use in primary and secondary schools. In September the office of good governance began a public relations campaign directed at deterring potential clients of prostitutes who were trafficking victims.

Persons with Disabilities.—UNMIK regulations prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, there was considerable discrimination in practice. The law did not meet international standards, and there was no expertise on the issue of the rights of persons with disabilities. There are no guardianship laws with appropriate due process protections, and the law does not recognize the placement of individuals with mental disabilities in institutions and involuntary treatment as separate legal issues. The law mandates access to official buildings; however, it was not enforced in practice.

According to the NGO Mental Disability Rights International (MDRI), patients with mental disabilities continued to be detained in isolated conditions with no legal basis, since there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect rights within institutions. On occasion, individuals in need of mental health treatment were convicted of fabricated or petty crimes and sent to prisons that lacked resources for adequate treatment.

At year's end neither UNMIK nor the PISG had filed criminal charges or taken other legal action in response to a 2002 report by MDRI that found extensive evidence of physical abuse, sexual assault, neglect, and arbitrary detention by staff and patients in mental health care facilities at the Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital.

The ministries of education, health, social welfare, and public services were responsible for protecting the rights of persons with disabilities.

There were an estimated 14 thousand persons with mental disabilities. In response to a December 2004 MDRI report that institutional care of persons with mental disabilities left them isolated, arbitrarily detained, and vulnerable to physical violence and sexual abuse, the PISG expanded options for independent living by such persons and spent \$144 thousand to \$240 thousand (120 thousand to 200 thousand euros) each on 14 integration homes endorsed by MDRI. UNMIK reported that the Ministry of Health had taken steps during the year to develop administrative instructions for mental health care institutions that resulted in the corrected transfer of prisoners with mental disabilities to mental health clinics. The CDHRF reported that prisoners with mental disabilities were often kept in prison facilities, because of lack of availability of mental health treatment.

National/Racial/Ethnic Minorities.—Official and societal discrimination with respect to employment, social services, language use, freedom of movement, the right to return, and other basic rights and harassment of members of minorities improved over the previous year, although discrimination persisted, particularly against ethnic Serbs and Roma, Ashkali, and Egyptians. Violence and crimes against property directed at minorities lessened, but remained a problem.

UNMIK police recorded approximately 184 ethnically motivated crimes through the third quarter. However, according to UNMIK, incidents targeting minorities were generally underreported due to distrust of the KPS and the legal system. In the first half of the year, NGOs recorded approximately 6 incidents per week of such crimes as stoning, assaults, and harassment of Kosovo Serbs and other minorities, as well as property crimes such as arson and vandalism.

During the year police and KFOR commenced large-scale operations to apprehend persons responsible for the March 2004 interethnic riots that resulted in the deaths of 8 ethnic Serbs and 12 ethnic Albanians, injury of more than 900 persons, severe damage or destruction of more than 900 ethnic Serb, Romani, and Ashkali houses and 30 Orthodox churches or monasteries. In its July report on follow-up actions after the riots, UNMIK stated that 348 individuals had been brought before the courts for riot-related offenses. Of these, 179 cases were completed, 71 were awaiting trial, and 98 were under investigation. At least 57 serious cases were prosecuted by international lawyers and resulted in sentences of up to 16 years in prison. Kosovo judges handed down more than 85 convictions, with punishment ranging from court reprimands and fines up to \$240 (200 euros) to imprisonment for periods ranging from two months to two years. On May 19, an international panel of judges of the Gjilan/Gnjilane district court convicted six ethnic Albanians in connection with the killing of two ethnic Serbs during the riots and sentenced them to prison terms ranging from 3.5 to 16 years.

Of the seven persons originally detained on suspicion of organizing or leading the riots, criminal investigations were ongoing in the cases of four: KPC reserve commander, Naser Shatri; chairman of the KLA war veterans association in Peja, Nexhmi Lajci; chairman of the KLA war veterans association in Gjilan, Shaqir Shaqiri; and chairman of the KLA war veterans Association in Vushtrri, Salih Salihu.

At year's end the PISG had reconstructed more than 95 percent of the houses damaged or destroyed in March 2004 and started church reconstruction (see section 2.c.).

Ethnic Albanians destroyed, often by arson, private property belonging to ethnic Serbs; some cases of violence against Serbs may have been attempts to force them to sell their property. A UNMIK regulation prevents the wholesale buy-out of many ethnic Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, it was rarely enforced. The ombudsperson and human rights groups criticized the regulation as limiting the ability of ethnic Serbs to exercise their property rights.

Discrimination continued against ethnic Serbs in the provision of education and health care services by the PISG. Minority employment in the PISG continued to be low and was generally confined to lower levels of the government. Members of minorities occupied 11 percent of posts in the PISG ministries, despite a PISG target of more than 16 percent.

Authorities made no progress during the year investigating or prosecuting 2003 cases of violence against ethnic Serbs.

Roma lived in dire poverty, and those who lived in Mitrovica were viewed as ethnic Serb collaborators by many ethnic Albanians; as a result, in 1999, their houses were destroyed and they were forced to live in IDP camps, where they still reside. Roma throughout Kosovo were subject to pervasive social and economic discrimination and often lacked access to basic hygiene, medical care, and education and were

heavily dependent on humanitarian aid. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vushtrri, security concerns remained.

Bosniak leaders continued to complain that thousands of their community members had left Kosovo because of discrimination and a lack of economic opportunity.

In September authorities began a process of local government reform (decentralization) with the opening of pilot projects in the monoethnic areas of Hani I Elezit (Albanian), Mamushe (Turkish), and Junik (Albanian). The process was delayed as opposition parties continued to oppose the government's working program, the government moved slowly, and ethnic Serbs left discussions following their inability to reach consensus on the boundaries for two ethnic Serb-majority pilot projects in Gjilan and Gracanica.

Other Societal Abuses and Discrimination.—The law prohibits discrimination based on sexual orientation; however, the law was not applied during the year.

Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. The print media previously reinforced these attitudes by publishing without retraction negative articles about homosexuality that characterized gays and lesbians as mentally ill and prone to sexually assaulting children. Individual homosexuals also reported job discrimination. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

On December 31, local media reported that KPS officers and a treating physician verbally abused and mistreated two young men after an unknown assailant had attacked them with a knife. The KPS suspended two officers without pay pending investigation.

Section 6. Worker Rights

a. The Right of Association.—UNMIK regulations allow workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice.

The only significant union, the Association of Independent Trade Unions of Kosovo (BSPK), claimed over 120 thousand members; only 50 thousand of its members (approximately 10 percent of the workforce) were employed. UNMIK regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK reported that only a small number of companies respected the regulation preventing antiunion discrimination and claimed that worker rights were abused in every sector, including international organizations, where staff did not have security insurance or pensions.

b. The Right to Organize and Bargain Collectively.—UNMIK regulations allow unions to conduct their activities without interference, and UNMIK protected this right in practice. UNMIK regulations also provide for the right to organize and bargain collectively without interference, and the government did not restrict this right in practice; however, collective bargaining took place on only one occasion. UNMIK regulations do not recognize the right to strike; however, strikes were not prohibited in practice, and strikes occurred during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—UNMIK regulations prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—UNMIK regulations and policies prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor, provide for acceptable working conditions; however, UNMIK and the PISG rarely challenged these practices when they occurred.

The pre-1989 labor laws that remain in force set the minimum age for employment at age 16 and at age 18 for any work likely to jeopardize the health, safety, or morals of a young person but permit children to work at age 15, provided it is not harmful or prejudicial to school attendance.

In villages and farming communities, younger children typically worked to assist their families. Urban children often worked in a variety of unofficial retail jobs, such as washing car windows or selling newspapers, cigarettes, and phone cards on the street; the numbers of such children grew in the last year, although statistics were not kept by either UNMIK or the PISG. Some children were also engaged in physical labor, such as transporting goods.

Trafficking of children was also a serious problem, primarily for sexual exploitation (see section 5).

The Ministry for Labor and Social Welfare, in cooperation with UNMIK, coordinated child protection policies, and the ministry's department of social welfare had responsibility for ensuring the protection of children; however, the ministry did not conduct inspections or otherwise enforce child labor laws during the year.

e. Acceptable Conditions of Work.—Although UNMIK regulations provide for a minimum wage, one has not been adopted. While many international agencies and NGOs paid adequate wages, the average full-time monthly public sector wage of \$181 (151 euros) and the average private sector wage of \$250 (208 euros) were inadequate to provide a decent standard of living for a worker and family.

UNMIK regulations provide for a standard 40-hour work week, require rest periods, limit the number of overtime worked to 20 hours per week and 40 hours per month, require payment of a premium for overtime work, and prohibit excessive compulsory overtime. A labor inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor standards. The inspectorate primarily advised employers and fined only one employer during the year for violation of the standards. Employers often failed to implement these regulations due to the high underemployment and unemployment in Kosovo.

The labor inspectorate was responsible for enforcing health and safety standards but lacked trained staff and did not do so effectively. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.

MONTENEGRO

Montenegro, with a population of approximately 673 thousand, is a constituent republic of the state union of Serbia and Montenegro. The republic has a presidential and a parliamentary system of government. The 2003 presidential elections were conducted generally in line with international standards. While civilian authorities generally maintained effective control of the security services, there were a few instances in which elements of the security forces acted independently of government authority.

The government generally respected the human rights of its citizens and demonstrated a heightened concern for the protection of human rights; however, there were problems in some areas. The following human rights problems were reported:

- police abuse of detainees
- prison overcrowding
- impunity and corruption of security forces
- lengthy pretrial detention
- judicial corruption and political pressure on the judiciary
- prolonged trial delays
- restrictions on freedom of the press
- violence and discrimination against women
- trafficking in women and children
- discrimination against ethnic minorities

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police occasionally beat suspects during arrest or while suspects were detained for questioning.

On September 1, the police raided the main penitentiary following the August 30 killing of the chief of the criminal police. During the raid police reportedly beat the prisoners with the intent to cause severe internal injury without leaving visible marks. Between 18 and 31 prisoners were injured, some severely. The minister of interior and the supreme state prosecutor both promptly announced investigations into the police action; the investigation was ongoing at year's end.

The local prosecutor, after an investigation, dropped charges against the police officers responsible for the alleged 2003 beating of Igor Zindovic.

The local state prosecutor brought criminal charges against police inspector Dobrasin Vulic for the 2003 beating of Nikola Popovic. The trial was ongoing at year's end.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, some problems remained. Prison facilities were antiquated, overcrowded, poorly maintained, and had inadequate hygiene.

The law mandates that juveniles be held separately from adults and pretrial detainees be held separately from convicted criminals; however, this did not always occur in practice due to overcrowding.

The government permitted prison visits by human rights observers, including the International Committee of the Red Cross (ICRC) and local nongovernmental organizations (NGOs). Both the ICRC and the Helsinki Committee of Montenegro made several visits during the year. The ombudsman's office routinely visited prisons, meeting with detainees and inmates without prior notice.

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 interior ministry controls both national and border police. Although these services generally were effective in maintaining basic law and order, their effectiveness in fighting organized crime was limited. A sizable percentage of the police force consisted of Bosniaks (Bosnian Muslims), many of whom were deployed in the Sandzak, a predominantly Muslim area in the north. Impunity was a problem. The government investigated police abuses, but criminal procedures and sentences against police were rare.

Corruption was a problem; the small, close-knit society discouraged reporting corruption and provided criminals access to law enforcement officers.

Arrest and Detention.—Arrests require a judicial warrant or "high suspicion that the suspect committed an offense." A suspect could be detained for up to 48 hours before being arraigned and charged before a judge. Detainees are informed of the charges against them at the arraignment, where the judge makes the initial judicial determination of the legality of the detention. In practice arraignment generally occurred in the legally allowed time of 48 hours after arrest. The law provides for access to an attorney in this initial period, but this often did not occur. Detainees were allowed prompt access to family members. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail.

There were no reports of political detainees.

Long trial delays, combined with difficulty in meeting conditions for bail, occasionally led to lengthy pretrial detention. Approximately two-thirds of the prison population were pretrial detainees, whose average length of detention was five months.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, lack of cooperation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and judicial corruption remained problems. The government at times influenced prosecutors for political reasons. There were reports that judges issued tainted decisions out of fear of reprisals or loss of position if they ruled against particular parties.

The court system consists of municipal courts, higher (or district) courts, and a Supreme Court at the republic level. The law mandates formation of an Appeals Court and an Administrative Court to reduce the burden on the Supreme Court; these courts were established during the year. Cases are assigned to the court which has legal and physical jurisdiction.

Trial Procedures.—Criminal trials are public; juries are not used. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. Defendants have a right to access to an attorney; however, an attorney is provided at public expense only if the possible sentence is greater than five years' imprisonment. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy the presumption of innocence and the right of appeal; although the government at times influenced the judiciary, these rights were generally respected in practice.

There were no war crimes trials during the year.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice. In September the law was changed to require the national security agency (NSA) to obtain court authorization for a wiretap. Some observers believed that police selectively used wiretapping and surveillance against opposition parties and other groups. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Eviction of Roma from illegal settlements, and sometimes legal residences, was a problem (see section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, there were some restrictions of freedom of the press in practice.

There were a small number of credible allegations of political and business pressure on the media. In December the radio and television (RTCG) council dismissed the director of public television broadcaster TVCG (TV Montenegro), justifying the action as a response to the director's failure to submit the TVCG program plan. The TVCG editorial staff resigned in protest. The dismissal was viewed by some observers as an attempt to bring the TVCG editorial board closer in line with government positions.

The independent media was active and generally expressed a wide variety of political and social views without government restriction.

There were no reports that journalists practiced self-censorship; however, some NGOs warned that the possibility of bringing criminal libel charges against journalists, accompanied by potentially large fines up to \$16,800 (14 thousand euros), could deter journalists from reporting candidly on events.

Despite some steps to move away from government control of the media, certain media retained close ties to the government. Only one out of a dozen local, government-owned newspapers was privatized.

The print media consisted of private news outlets and one national state-owned newspaper, which published a wide variety of domestic and foreign articles.

There were a wide variety of public and private broadcasting media, including public radio and television broadcaster RTCG, as well as 16 private television and 39 private radio stations. Domestic radio and television stations regularly rebroadcast some programs from Belgrade's BK and Serbian National Television, as well as from a number of foreign services.

The trial of one person for the May 2004 killing of Dusko Jovanovic, the director and editor-in-chief of the leading opposition daily, *Dan*, was still in progress at year's end. While the motive of the killing remained unknown, *Dan* and other media outlets called the killing a major attack on freedom of the press and journalistic safety. On August 30, unknown persons shot and killed the chief police official investigating the Jovanovic and other major unresolved killings.

Officials sporadically brought or threatened libel suits against media organizations when accused of wrongdoing. There were no publicized cases of direct government censorship of the media. Unlike in previous years, only a few new libel suits were filed by state officials against media organizations. A government minister and the leadership of a municipal government sued the opposition daily newspaper *Dan* for libel and publication of false information. On January 17, the basic court in Podgorica fined the publisher of the defunct daily newspaper *Publika* in a libel suit brought by the chief of the former state security service (SDB). Despite some pending court cases and the continued risk of libel suits, there was a modest increase in the willingness of the media to criticize the government during the year.

The law mandates regulatory structures designed to insulate former state-owned media from direct party control; these include a radio and television (RTVCG) council that took over editorial oversight of the national public radio and television from the government. The RTVCG council was established in 2003, with members selected by a variety of NGOs and professional groups; however, some observers noted that many RTVCG members had close ties to the government. In December the council's decision not to accept a program plan proposed by the TVCG director resulted in his dismissal and the subsequent resignation of the entire editorial staff.

Since 2003 radio and television stations received broadcast licenses from an independent regulatory body, which assumed such authority from the government. During the year the regulatory body allocated frequencies for 16 television and 39 radio stations in its first public tender.

There were no government restrictions on the Internet or academic freedom; however, a group of professors and other educational professionals in Niksic protested their dismissal by the government for refusing to teach the "mother tongue," claiming they were only licensed to teach the "Serbian" language. The government had recently relabeled "Serbian" as the "mother tongue", asserting the change reflected the existence of various dialects in use. The professors claimed the government's action was politically motivated. The government asserted the dismissals were justified by the educators' subsequent strike, which the government held to be a breach of contract (see section 6.b.).

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

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. There was no state religion, although the republic constitution mentions the Orthodox Church, the Islamic community, and the Roman Catholic Church as equal and separate from the state; however, the Serbian Orthodox Church received some preferential treatment in practice.

While there was no formal registration requirement for religions, religious groups had to register as citizen groups with the republic's Ministry of the Interior and Department of Statistics to gain status as a legal entity, which is necessary for real estate and other administrative transactions. There were no problems with registration reported in practice.

There was no progress noted during the year on restitution of previously seized church property. The Serbian Orthodox Church claimed the government applied the restitution law in a discriminatory manner. During the year the church filed a suit with the European Court of Human Rights (ECHR), alleging that delays in addressing its claims for property taken by the government after World War II were politically motivated. The ECHR had not acted on the filing at year's end.

Societal Abuses and Discrimination.—Religion and ethnicity were closely intertwined, and in many cases it was difficult to identify discriminatory acts as primarily religious or ethnic in origin. Minority religious communities reported better cooperation with government organizations, leading to increased ability to operate normally; however, some elements in society continued to discriminate against such communities.

Tensions continued between the canonically unrecognized Montenegrin Orthodox Church and the Serbian Orthodox Church. In June the erection of a prefabricated Serbian Orthodox chapel on a prominent mountain in the southwestern part of the republic, with the assistance of a state union military helicopter, antagonized nonmembers of the Serbian Orthodox Church, who viewed it as a political act.

There were no reports of anti-Semitic acts. A September 2004 survey by the government statistics office concluded that there was no organized Jewish community. A small, scattered number of adherents of Judaism likely lived in the republic.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs).—There were approximately 17 thousand IDPs from Kosovo. The majority of these IDPs were ethnic Montenegrins or Serbs; however, there were also approximately 1,300 Roma and others. The Romani IDP population lived in collective centers with limited access to health care and education. Discrimination and harassment against Roma remained a serious problem (see section 5).

Protection of Refugees.—The law does not provide for the granting of asylum of refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The state union has adopted a law on asylum that gives a framework but does not mention procedures or implementation. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status but not asylum. According to established procedures, potential refugee cases would be referred to the Office of the UN High Commissioner for Refugees (UNHCR) in Belgrade for determination. During the year no persons applied to either the Montenegrin government or UNHCR for refugee status.

The government was also prepared to provide temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol; however, no persons requested such protection during the year.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment.

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.—Filip Vujanovic was elected president in 2003 elections that an Organization for Security and Cooperation in Europe (OSCE)

election observer mission found were conducted generally in accordance with international standards, as were parliamentary elections held in 2002. In rural areas husbands commonly directed their wives' voting.

There were 8 women in the 75-seat parliament and 2 women in the cabinet.

There were 11 members of ethnic minorities in the 75-seat parliament and 3 members of ethnic minorities in the cabinet. Ethnic Albanians and Bosniaks participated in the political process, and their parties, candidates, and voters participated in all elections; Roma were significantly underrepresented in the government.

Government Corruption and Transparency.—There was a widespread perception of government corruption, particularly in the executive and judicial branches. In September a leading NGO issued a comprehensive case study, which reported that unclear legislation and broad discretion in the exercise of government power institutionalized corruption as the “most efficient way of operations.” There also were widespread allegations of corruption affecting the privatization of industry; observers noted that a lack of transparency prevented determining the validity of those allegations. There were reports that officials restructured firms eligible for privatization to make them unattractive to outside buyers, thereby leaving them in the officials' control.

On November 8, parliament adopted a law on free access to information; early implementation of the law was mixed but generally positive, with the authorities providing increased access to government information in practice. Citizens could inspect secret files kept on them by the SDB (the precursor of the NSA) from 1945 to 1989.

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

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

There were a number of NGOs investigating human rights cases, including Helsinki Committee of Montenegro and the Center for Democracy and Human Rights. NGOs were credited with helping to reduce police brutality and other abuses. The government generally cooperated with international organizations.

The government cooperated with the International Criminal Tribunal for the former Yugoslavia in allowing access to witnesses.

The ombudsman for human rights does not have authority over the work of the courts, except in cases of prolonged procedure, obvious abuses of procedure, and failure to execute court decisions. The office of the ombudsman operated without government or party interference and was provided with adequate resources by the government. The ombudsman was generally considered to be effective. Upon finding a violation of human rights or freedoms, the ombudsman may initiate disciplinary procedures or dismissal of the violator. Failure to comply with the ombudsman's request for access to official data, documents, or premises, or to the ombudsman's request to testify at a hearing is punishable by fines of 10 to 20 times the minimum monthly wage of \$600 to \$1,200 (500 to 1 thousand euros). No fines were imposed during the year, as in practice essentially all its recommendations were respected. In March the ombudsman office released its first annual report to parliament. The greatest number of complaints related to delays in the courts and the work of local governments; only a few complaints involved police misconduct. In general the government and the courts implemented the ombudsman's recommendations.

A parliamentary committee on human rights continued to exist but was inactive during the year.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce it in practice. Violence and discrimination against women, child abuse, trafficking in persons, and discrimination against ethnic minorities were problems.

Women.—Although violence against women, including spousal abuse, is illegal, it was widespread, particularly in rural areas. During the year official agencies, including the police, improved their response to domestic violence; however, efforts were still inadequate. Domestic violence is a crime punishable by a fine or prison sentence of up to 10 years, depending on the seriousness of the offense or, if death results, by a sentence of 3 to 12 years' imprisonment. Victims of domestic violence rarely filed complaints with the authorities. According to a 2004 survey conducted by an NGO, only 30 percent of victims reported domestic violence incidents to police; however, domestic violence-related offenses made up 30 percent of all police arrests. The government prosecuted a small number of domestic violence cases; however,

NGOs reported that judges refused to impose jail sentences, although prosecutors routinely asked that convicted abusers be imprisoned; most convictions resulted in probation.

Rape, including spousal rape, is illegal. The government sought to enforce the law, but deeply ingrained societal attitudes continued to stigmatize rape victims, and judges frequently allowed such stigmatization of victims during court procedures. As a result victims were reluctant to report rape, including spousal rape. Punishment for rape, including spousal rape, is 1 to 10 years' imprisonment; however, the crime only can be prosecuted if the victim brings charges. According to a local NGO, 80 percent of domestic violence cases against women involved spousal rape; however, there were no reports of indictments of alleged rapists.

Prostitution is a crime, as are soliciting and procuring. The government took active measures to suppress prostitution, soliciting and procuring. Prostitution existed but was not widespread.

Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment was a problem. Sexual harassment is illegal but tolerated by society at large. While victims were hesitant to report harassment, police were usually effective in intervening when requested to do so.

Women did not enjoy equal status with men, and few women held senior management positions in government or commerce, although an increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine. Traditional patriarchal ideas of gender maintained that women should be subservient to male members of their families and continued to subject women to discrimination in the home. In rural areas, particularly among minority communities, women could not always exercise their right to control property, and husbands commonly directed wives' voting.

Legally, women were entitled to equal pay for equal work; however, they did not always receive it in practice. The government's Office for Gender Equality was charged with ensuring the legal and economic rights of women.

Children.—The government was committed to the health and educational needs of children; however, insufficient resources impeded achievement of this goal.

The educational system provided eight years of free, mandatory universal schooling. There was no difference in the treatment and attendance of boys and girls at the primary and secondary levels. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the government for not developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Romani children received little or no education beyond the primary school level; however, in an effort to address this problem, the government provided 13 thousand textbooks in the Romani language during the year.

Child abuse was an underreported problem that the government took little action to address. The law does not allow a juvenile to make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of child abuse or incest to authorities.

Child marriage was particularly a problem among Roma. In the Romani community, boys and girls generally married at an early age, with girls marrying somewhat earlier than boys.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Child labor was problem (see section 6).

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the republic. There were reports that police and other officials were involved in trafficking; however, there were significantly fewer reports than in previous years.

The law sets the punishment for all trafficking in persons violations at up to 10 years' imprisonment. During the year, six persons were arrested and charged on suspicion of trafficking in persons. Several cases from previous years were still in the courts. Prosecutors filed seven new trafficking cases during the year and secured the convictions of six individuals in cases filed in previous years. The average length of sentences imposed for trafficking rose during the year, from six months in prison to an average of two and one-half years in prison.

The state-union level national coordinator, appointed by the Ministry of Interior, chairs the antitrafficking working group composed of relevant ministries (interior, health, labor, and education), social services, the OSCE, the International Organization for Migration (IOM), and NGOs. The government coordinated its antitrafficking efforts with other countries in the region, particularly through the Southern European Cooperative Initiative Center in Bucharest.

The republic remained primarily a transit point for trafficked persons, particularly women and children, and, to a lesser extent, a destination. According to police, victims came from Serbia and often continued to Italy and other West European countries. The police and NGOs reported a larger number of cases of internal trafficking, particularly involving victims from Serbia. Statistics on trafficking were difficult to obtain, as traffickers increasingly stopped holding their victims in public locales such as bars and nightclubs. Victims were generally women with less education and usually, but not always, poor. The IOM reported that 6 of 15 trafficking victims housed in the local shelters during the year were minors.

Traffickers were often citizens who sometimes worked with foreign partners and were principally involved in organized crime. They usually used fraud to entice their victims and resorted to force and coercion to keep victims from leaving.

There were reports that police and other officials were involved in trafficking, for example, border police and customs officials who corruptly facilitated border crossings by traffickers and their victims.

The law provides procedures for protecting trafficking victims by distinguishing them from prostitutes and illegal migrants, as well as by establishing procedures for referring victims to appropriate social services; however, according to local NGOs, law enforcement authorities continued to mismanage some cases involving potential victims. The government repatriated victims with assistance from the IOM.

International organizations sponsored police training in methods of dealing with human trafficking. International organizations sponsored training for police (including border police), prosecutors, and judges in methods of dealing with trafficking. Local NGOs, with funding from international donors, operated a shelter in Podgorica and hotlines throughout the republic; the government assumed responsibility for funding a second shelter that opened in 2004. Public awareness campaigns, sponsored by the government with international support, continued to be conducted throughout the republic.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, there was societal discrimination against persons with disabilities. The law mandates access to new official buildings for persons with disabilities, and the government generally enforced these provisions in practice; however, facilities for persons with disabilities were inadequate, including at polling stations.

The government provided mobile voting for handicapped or ill voters who could not come to polling stations.

The ministries of health, labor and social welfare, and education are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Societal discrimination against ethnic minorities was a problem. Prejudice against Roma was widespread, and local authorities often ignored or tacitly condoned societal intimidation or mistreatment of Roma, some of whom were IDPs from Kosovo. According to a local NGO, 70 percent of Roma were illiterate, 70 percent did not speak the local language, 95 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.

Romani IDPs, who lived primarily in collective centers and scattered settlements throughout the republic, often lacked identity documents and access to basic human services (see section 2.d.). Eviction from illegal settlements and, sometimes, legal residences was a serious problem. During the year there was limited official recognition of the problem, with authorities in the capital providing land and utility connections for an international NGO project to replace illegal and inadequate Romani housing.

Society generally showed antipathy towards homosexuals, leading most homosexuals to conceal their identity. Violence against homosexuals was rare and not condoned by the government.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers, except for the uniformed military and police personnel, to form and join unions of their choice, without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 95 percent of the workforce in the formal economy was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of collective bargaining; however, collec-

tive bargaining remained at a rudimentary level. Under the law the registered workforce is covered by collective bargaining agreements. The law provides for the right to strike, and workers generally exercised this right by conducting legal strikes; however, the law prohibits strikes by military and police personnel.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government had laws and policies to protect children from exploitation in the workplace, including prohibition of forced or compulsory labor, and policies regarding acceptable working conditions, and the government generally enforced these laws and policies effectively.

The official minimum age for employment is 15 years, although in farming communities it was common to find younger children assisting their families. Romani children also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Some such children worked in the “gray zone” between voluntary and forced labor; however, there were no reports that such practices occurred systematically.

Children were trafficked for sexual exploitation and child prostitution (see section 5).

Inspectors from the state labor inspectorate were responsible for enforcing the child labor laws.

e. Acceptable Conditions of Work.—The national minimum wage of \$62 (52 euros) per month did not provide a decent standard of living for a worker and family. There were no reports of employers failing to pay the minimum wage, which was enforced by the Ministry of Labor.

The law requires a 30-minute rest period daily, limits hours worked to 40 per week except in specified unusual circumstances, and requires an unspecified premium for work in excess of 40 hours per week. There is no specific prohibition on excessive compulsory overtime. The Ministry of Labor effectively enforced the regulations on hours of work.

The government did not give high priority to the enforcement of occupational safety and health regulations. Workers did not have the right to remove themselves from situations that endanger health and safety without jeopardy to their employment.

SLOVAK REPUBLIC

The Slovak Republic, with a population of approximately 5.4 million, is a multiparty parliamentary democracy, led by a prime minister and a 150-member parliament. President Ivan Gasparovic serves as head of state and was elected for a five-year term in April 2004 in free and fair elections. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- lengthy pretrial detention
- restrictions on freedom of religion
- corruption in the judiciary, local government, and health sector
- violence against women and children
- trafficking in persons
- societal discrimination and violence against Roma

RESPECT FOR HUMAN RIGHTS

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

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

The special corruption court took over from a regional court judge the case of seven police officers charged with inhuman and degrading treatment in the 2001 death of a Romani man in police custody. The new judge assigned to the case was reviewing the proceedings, and the trial had yet to begin 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 in contrast to previous years, there were no reports that government officials employed them.

No action was taken against the six police officers accused by nongovernmental organizations (NGOs) of using excessive force against Roma in the eastern town of Trebisov in February 2004. No further measures were expected.

The trial of three Zahorska Ves men arrested for allegedly breaking into and setting fire to Romani residences on three occasions in 2004 was ongoing at year's end. Two of the men were also charged with assault. The government punitively revoked the license of the private security firm that employed several of the alleged attackers.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, overcrowding continued to be a problem. The government implemented improvements and expanded prison infrastructure through the year due to an increase in the prison population. Six out of ten prisoners worked in prisons, but there was no national standard regulating payment.

The government permitted visits by independent human rights observers.

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

Role of the Police and Security Apparatus.—The national police has sole responsibility for internal and border security and reports to the Ministry of Interior. The head of the police force reports directly to the minister of the interior, who has the authority to recall any member of the police. Human rights observers charged that police investigators were occasionally reluctant to take the testimony of witnesses, particularly Roma, women, and the homeless. They also contended that, on occasion, police failed to promptly and thoroughly investigate cases involving Roma. Instances of police corruption and misconduct were reported, primarily in the form of extorting bribes during traffic stops. Mechanisms were available to investigate police abuses within the police inspection unit at police headquarters. The unit's 2004 annual report stated that most complaints were in response to the behavior of police while on duty, specifically related to the "abuse of power." Police officers continued to receive training in human rights and communications from local NGOs.

Arrest and Detention.—The law stipulates that a person can be taken into custody only for explicit reasons and must be immediately informed of the reasons for detainment. A written court warrant is required for arrest. The court must grant a hearing to a person accused of a crime within 48 hours (or a maximum of 72 hours for "serious cases," defined as violent crimes, treason, or other crimes in which the expected charges could bring a minimum sentence of at least 8 years) and either release or remand the individual. Detainees have the right to consult with an attorney immediately and must be notified of this right. The government provides free counsel to indigent detainees. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written order placing the accused in custody. The authorities respected these provisions in practice.

Attorney visits were allowed as frequently as necessary. The law allows monthly family visits upon request. There was a bail system in place that functioned effectively.

Unlike in previous years, there were no reports of arbitrary arrest or detention without cause in the Romani community.

There were no reports of political detainees.

Pretrial detention may last up to six months but was frequently extended in increments by judicial order up to three years. According to 2004 statistics, the average length of pretrial detention was 90 days at the district court level and 276 days at the regional court level. Pretrial detainees accounted for approximately one-third of the total prison population. In cases with extenuating circumstances, the Supreme Court may extend pretrial detention to five years. In July parliament passed a law on criminal court procedures mandating that the total time of detention (pretrial plus trial) not exceed 12 months in the case of minor offenses, 24 months for regular crimes, 36 months for severe crimes, and 4 years for crimes in which the expected sentence is more than 25 years, and that pretrial detention not account for more than one-half of that total. The law was scheduled to become effective in January 2006.

Delays in court procedures and investigations frequently led to lengthy pretrial detentions. Due to inefficiency, prosecutors and judges released one detainee in the first half of the year when the maximum period for detention expired before his trial date.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, problems with corruption and inefficiency in the judiciary continued, despite a series of reforms implemented by the justice ministry to decrease corruption and improve efficiency within the court system.

There were eight regional courts. The Supreme Court, consisting of 79 judges, was the highest court of appeals. The constitutional court, with 13 judges serving 12-year terms, is independent of the Ministry of Justice and rules on cases regarding the constitution and international treaties, considers cases in which constitutional provisions are in conflict, and hears complaints about violations of basic rights and freedoms. The judicial council, a constitutionally recognized independent body of lawyers and judges, made decisions regarding disciplinary actions, administrative issues, and appointments of judges. A special court for corruption cases opened in September and issued its first verdicts by the end of the year; in addition to cases of official corruption, it hears cases related to highly placed government and political figures and organized crime. Appeals of this court's decisions are made to the Supreme Court. During the year the special court heard 71 cases, the majority of which were corruption cases.

Cases are generally first heard in the district courts; appeals are made to the eight regional courts. The constitutional court hears cases involving constitutional or human rights issues; the Supreme Court is the court of last resort in all legal cases.

The Ministry of Justice took disciplinary action against five judges suspected of corruption; in 2004 the ministry took action against 25 judges, of whom 9 were removed from the bench and 2 resigned. Other possible penalties included a reduction in salary and reassignment to lower courts. A computerized system for random case assignment functioned at almost every level of the courts to increase transparency. Nonetheless, Transparency International reported in 2004 that 59 percent of citizens viewed the courts as corrupt.

Trial Procedures.—Persons charged with criminal offenses are entitled to fair and open public trials and have the right to be informed of the charges against them. However, NGO observers stated that in practice corruption among judges could infringe on a person's right to a fair trial. Defendants enjoy a presumption of innocence, have the right to refuse self-incrimination, and may appeal adverse judgments. They are also presumed innocent during the appeals process. The law does not provide for jury trials. A panel of three judges is obligatory in criminal cases and in civil cases at the regional court and supreme court levels. Defendants had the right to be present, consult in a timely manner with an attorney at government expense, gain access to government-held evidence, confront witnesses against them, and present witnesses and evidence on their own behalf.

In contrast with previous years, there were no reports that Roma or other minorities did not receive a fair trial.

Military courts hear cases concerning civilians suspected of war treason or evasion of mandatory armed forces service and provide the same rights as the regular court system.

Political Prisoners.—There were no reports of political prisoners.

Property Restitution.—The 2003 law on property restitution provides citizens a second opportunity to apply for the return of land confiscated by the state between 1948 and 1990. Under this law more than 48,131 cases were filed. Through June 5,018 of these claims had been resolved and the lands returned; in 2,077 others, the land was unavailable or impossible to return, and financial reimbursement was made instead. A lack of historical documentation prevented many cases from being resolved.

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

Police must present a warrant before conducting a search or within 24 hours afterwards. During the year police in the town of Zehra allegedly entered the home of a Romani citizen without a search warrant.

Unlike in previous years, there were no reports of coerced or forced sterilization of Romani women. During the year the provisions of a 2004 law went into effect, requiring that sterilizations be performed only at the request of the patient and only after 30 days had passed since the initial request. The law was prompted by NGO charges in previous years that doctors performed coerced or forced sterilization on Romani women.

In November 40 health assistants began training as part of a pilot project approved in 2003 to improve Romani access to health care.

No victims of sterilization received financial redress, although the government acknowledged in a 2003 report that the procedures had taken place. In September the general prosecutor's office announced that no criminal charges would be filed. Several NGOs appealed the case to the European Court of Human Rights in 2004, but the case was pending at year's end.

In August 2004 eight of the Romani women involved in the sterilization cases filed a case with the European Court of Human Rights when Slovak hospitals allegedly denied them access to their own medical records. The court gave priority to the case, which was ongoing at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views without restriction. At year's end the constitutional court was continuing to examine the constitutional merits of the law governing the state-funded news agency of the Slovak Republic, which was allegedly subject to political influence and noncompetitive practices.

Prosecutors dropped charges against three intelligence officers accused of abusing the powers of authority by allegedly setting up an illegal wiretap of a major national newspaper.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—The law provides for freedom of association and the government generally respected this right in practice. However, the law requires organizations to pay a nominal registration fee, and stipulates that those registering as foundations have "substantial" financial resources of approximately \$6 thousand (SKK 180 thousand) to operate. During the year no organization was denied registration or faced any other limitations on its operations.

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

Religious groups must have 20 thousand permanent resident adherents in order to register with the government. Registered groups received state subsidies for clergy and office expenses and the right to visit and proselytize in prisons and hospitals. Unregistered religious groups are prohibited from conducting legal marriage ceremonies. There were 16 registered religious groups. In previous years leaders of a number of minority religious communities—in particular Muslims, smaller Protestant churches, the Hare Krishna community, and the Church of Scientology—complained that the large membership requirement effectively barred them from obtaining official status, although these smaller religions experienced no restrictions on assembly and worship.

The government monitored but did not interfere with religious sects.

A 2004 law requires public elementary school students to take either a religion or an ethics class. Critics of the law claimed students may be denied the choice in poorer rural schools or socially pressured to choose religious classes. The law also allows government-funded religious schools to remove material inconsistent with Catholic beliefs from the curricula.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

Societal Abuses and Discrimination.—Jewish community leaders and 2001 census data estimated that the Jewish community numbered approximately three thousand. Anti-Semitism persisted among organized neo-Nazi groups, estimated to have 500 active members and from 3,000 to 5,000 sympathizers.

In January juveniles vandalized 19 tombstones in a Jewish cemetery in Ruzomberok; an investigation into the incident was ongoing at year's end. In June vandals broke a pane of glass at Bratislava's memorial to Rabbi Chatam Sofer. In July derogatory inscriptions, such as "The Holocaust is a lie," were painted and carved on the new Holocaust Memorial in Rimavska Sec; the investigation concluded without charges being filed. Vandals destroyed five tombstones and damaged another two at Rimavska Sobota's Jewish cemetery the following week; the investigation concluded with no suspects.

The law prohibits the defamation of nationalities and denying the Holocaust. The Ministry of the Interior actively pursued violent extremist groups, and police monitored Internet web pages hosting hate speech and attempted to arrest or fine the authors.

In November the extremist political party Slovenska Pospolitost held several rallies that were broken up by police officers. Several Pospolitost members were detained or arrested for promoting an ideology which suppresses the rights of others.

The government continued implementing its action plan to fight discrimination, racism, xenophobia, and anti-Semitism. During the year the government organized antidiscrimination campaigns and teacher training, film festivals, and conferences on minority and human rights issues. High school and university curricula promoted tolerance, and students could also compete in annual essay contests that focused on human rights issues. The Jewish community expressed concern that some media coverage in the country exhibited anti-Semitic undertones.

In August a memorial to Romani victims of the Holocaust (*Porrajmos*) was inaugurated at the Slovak National Uprising museum in Banska Bystrica, and the government and media were well represented at the inaugural ceremony. In September the Jewish Museum in Bratislava and the regional government in Nitra opened a permanent exhibit on the Holocaust entitled "The Fate of Slovak Jews."

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government had an established system for providing some protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. However, the government did not routinely grant refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The law provides for temporary protection, classified as "tolerated residence," which is granted if asylum is denied and the individual is not eligible for deportation to his or her country of origin due to administrative problems or fear for the person's safety.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

During the year two refugees received citizenship. According to national migration office statistics, 11 persons received asylum out of a total of 3,235 cases, and 2,663 cases were terminated during the year. Unlike in 2004, the UNHCR did not criticize the current asylum process for accepting a low number of asylum applicants.

During the year there were several corruption charges within the customs and immigration police. In December 2004 the director of one of the country's alien detention facilities in Adamov was arrested on suspicion of illegal migrant smuggling. He was released and transferred to a different assignment pending the completion of the investigation, which was ongoing at year's end.

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

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

Elections and Political Participation.—In April 2004 Ivan Gasparovic won the second direct presidential election. A referendum calling for early parliamentary elections, which some parties boycotted, was held at the same time as the first round of the presidential election. The Organization for Security and Cooperation in Europe determined the presidential elections to be free and fair; however, the observer mission noted that presidential election was influenced by the controversial timing of the referendum, which failed, and questions surrounding its constitutionality.

There were 23 women in the 150-seat parliament, 33 women on the 68-seat Supreme Court, and 1 woman in the 16-seat cabinet.

The law prohibits collecting information on ethnicity, and it was not possible to determine the number of members of minorities in government. The chairman of the party of the Hungarian coalition served as a deputy speaker in parliament. Some ethnic Romani parties were successful at winning representation at the local level; however, Roma were consistently underrepresented in government service, and no Roma were in parliament. There was no unified Romani minority party, and several Romani activists reported that this hampered political participation. NGOs provided political campaign training to several Romani candidates running in the November

regional parliamentary elections. Although none of the Roma was elected, NGOs characterized the near-success of one particular candidate as promising.

Government Corruption and Transparency.—Corruption in the legislative and executive branches was reported and publicly perceived as a problem. The judiciary and the health care and education sectors were perceived to be the most corrupt. The government and police cooperated on several related arrests during the year.

The member of parliament charged in 2003 with accepting bribes was found guilty of corruption in May and sentenced by a district court to one year in jail. He immediately appealed to the regional court, where his case awaited trial. He remained in parliament during the appeal process, which was ongoing at year's end. The head of the regional government office, who had also been charged in 2003, was not prosecuted during the year.

On December 15, the special prosecutor for corruption submitted official charges to the special court in Pezinok regarding the case of the deputy mayor of Kosice, who was charged in 2004 with taking bribes. He was held for eight months in pre-trial detention before being released, at which point he appealed his lengthy detention to the European Court of Human Rights (ECHR). No trial date was set by year's end.

In April the mayor of Velky Meder was arrested and charged with corruption when police caught him accepting a bribe of approximately \$10 thousand (SKK 300 thousand) from a businessman. Meder's case went before the special court for corruption and was ongoing at year's end.

In September the trial of the mayor of Bratislava-Raca began in the special court of corruption. His trial on bribery charges filed in April 2004 was ongoing at year's end.

In December the anticorruption unit of the national police charged three former officials of the national agency for the support of small and medium enterprise with fraud following their transfer of nearly \$48 million (SKK 1.5 billion) to a private company. The company returned the money to the government after the media exposed the transfer.

During the year the office to combat corruption completed the government action plan to fight corruption, coordinated general anticorruption strategy, and implemented legislative changes aimed at increasing transparency.

The law provides public access to government information; however, NGOs cited a need for greater public awareness of the responsibility of government to provide information. A few local government offices frequently denied information requests without justification or left them unanswered.

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

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

The human rights ombudsman, elected in 2002 to a seven-year term, received complaints about violations of fundamental rights and freedoms by public administration bodies. Both the ombudsman's office and the national center for human rights received government funding but operated independently. During the year the ombudsman increased public outreach, regularly hosted open houses, press briefings, and media outreach events, and submitted to parliament an annual report detailing its activities. Ninety percent of complaints concerned delays in court proceedings and the failure of local or national government offices to respond to citizen requests. Other complaints involved problems with retirement benefits or the granting of resident status. A number of NGOs, however, criticized the ombudsman for poor communication with NGOs, a lack of initiative, and an overly bureaucratic style, and asserted that the office's effectiveness was hindered as a result.

NGOs generally operated without harassment, although the organization People Against Racism continued to receive occasional threats from skinhead groups.

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

The law prohibits discrimination based upon race, gender, disability, language, or social status; the government effectively enforced these prohibitions in practice. However, violence against women and children, as well as trafficking in persons, were problems.

Women.—Violence against women was a problem. The law prohibits domestic violence; however, it was pervasive, and activists claimed that the government did not enforce the law effectively. Through early December 607 incidents of domestic violence against women and children were reported, and 539 were prosecuted. The law

provides stricter sentences for violence directed toward members of the same household, and allows for continued criminal prosecution even when a spouse drops charges. Domestic violence was punishable by 2 to 12 years of imprisonment, depending on the nature of the crime.

Domestic violence was often underreported because of the social stigma associated with being a victim, and statistics did not adequately reflect the extent of the problem. Official statistics remained stable from 2004, despite a public awareness campaign organized by several NGOs and police training.

Activists claimed that proper enforcement of the law would require increased police training about domestic violence and more victim specialists. Citing the lengthy court procedures and increasing caseloads that prevented cases from being prosecuted efficiently, victims' advocates demanded a better network of services for abused women, including government-funded treatment centers. In August the government adopted an action plan to address some of these problems. The government and NGOs made shelters and counseling available to victims of domestic abuse.

The law prohibits rape, including spousal rape. Although the government enforced the law effectively, rape was a problem. The sentence for rape is 2 to 8 years in prison and can be increased to 5 to 12 years, depending on the age of the victim or whether brutal force was used. The sentence may be further increased to 10 to 15 years if the victim dies as a result of the rape. Through August the police reported 121 cases of rape, which specialists said was underreported. Rape victims also have access to the shelters and counseling offered by NGOs and government-funded programs.

After incidents of forced sterilization were reported in 2003, the government implemented several reforms, including amending the laws to require that sterilizations be performed only at the request of a patient and only 30 days after such request is made. Alleged victims were able to pursue claims for damages in civil courts, and NGOs announced their intention to take the cases to the ECHR (see section 1.f.).

Prostitution is legal; however, the law prohibits related activities such as operating brothels, knowingly spreading sexually transmitted diseases, or trafficking in women for the purpose of sexual exploitation. It was unclear to what extent prostitution occurred. There were reports that women were trafficked into the country for prostitution (see section 5, Trafficking).

The law does not prohibit sexual harassment, and there were no statistics available to measure the frequency or severity of its occurrence. The government took no action during the year to combat sexual harassment.

Women and men are equal under the law, including family law, property law, and in the judicial system; however, discrimination against women remained a problem in practice. The equal opportunity office in the Ministry of Labor worked in an advisory capacity to ensure the legal rights of women. Women, particularly those aged 35 to 39, typically earned 25 percent less than men. Experts believed that the wage differential was due to large numbers of women working in low-paid occupations, such as the education or social services sectors. NGOs continued to push for increased opportunities for the political participation of women.

Children.—The government was committed to children's rights and welfare and the Ministries of Labor and Education oversaw implementation of the government's programs for children. Education was universal and free through the postsecondary level and was compulsory for 10 years, or until the age of 16. The UN Children's Fund (UNICEF) reported that the primary school attendance rate was approximately 85 percent.

Most ethnic Slovak and Hungarian children attended school on a regular basis, but Romani children exhibited a lower attendance rate. Although Romani children comprised nearly one-fourth of the total number of children under 16, they were disproportionately enrolled in schools for the mentally handicapped, despite diagnostic scores that were often within the normal range of intellectual capacity. In certain remedial schools in the eastern part of the country, registered students were nearly 100 percent Roma.

Government-provided healthcare for children was adequate and equal for both girls and boys.

Child abuse remained an underreported problem. One NGO expressed concern that the family law passed in March did not afford children the same rights and protections as it did their parents. The legislation provides for programs and training to reduce the instance of child abuse; the government also implemented a publicity campaign to raise awareness of the issue.

A number of children's foundations operated several programs for abused or disabled children. UNICEF continued to operate a hot line for children; during the first half of the year, it opened 278 cases based on the 4,094 calls it received.

Child prostitution is prohibited. Community workers reported it was a problem in Romani settlements with the worst living conditions. During the year there were no reported cases of trafficking in children.

There were approximately seven thousand children in institutional care, and Roma constituted the majority of this population. Most government orphanages were long-term care facilities rather than short-term residences. Activists claimed that orphans had difficulty integrating into society at age 18 and were at increased risk of falling victim to trafficking.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked from, within, and through the country. Under the law, traffickers may be sentenced from 3 to 10 years in prison, and from 8 to 15 years if bodily harm resulted; if the trafficker gained extensive profit; or if the offense was committed as a member of a group operating in several countries. If the offender is a member of a crime syndicate, the sentence is increased to between 12 and 15 years. Victims may also file civil suits against traffickers.

During the year the government formed an expert working group and named a national coordinator for the fight against trafficking in persons, although government efforts to combat trafficking and assist victims were hampered by the lack of resources. The government agencies responsible for combating trafficking include the national coordinator for the fight against trafficking in persons, the police antitrafficking unit, the Ministry of Interior, the prosecutor's office, the border police, and the equal opportunity office at the Ministry of Social Affairs and Labor. In the first half of the year, police investigated four alleged trafficking cases. The courts sentenced three persons for trafficking: two received prison sentences, and the third received probation. The police participated in international investigations on a limited basis.

In 2003 police arrested 7 members of a trafficking gang who had sent at least 60 women to Germany, Poland, Switzerland, and France over an 8-year period, with the suspected involvement of a low-level government employee. The case was awaiting trial at the end of the year.

The International Organization for Migration estimated that between 100 and 200 persons are trafficked annually from or through the country, mainly for the purpose of sexual exploitation. Most of the victims trafficked through the country came from the former Soviet republics (especially Moldova and Ukraine) and Balkan countries. Victims were typically trafficked through the Czech Republic or Austria to Western Europe. Victims were typically between the ages of 18 and 25, from various social backgrounds, but particularly from areas with high unemployment. Some experts alleged that Romani women and persons raised in state institutions, because of their socioeconomic situation and less freedom of mobility, were more vulnerable to being trafficked by organized criminal gangs. Romani women were reportedly more at risk of being trafficked by known and trusted people from their communities. Other high-risk groups included men and women looking, sometimes illegally, for seasonal work abroad and those who were ill-informed of the potential dangers.

Traffickers lured women with offers of employment, often relying on personal connections with women. Activists who worked with the few victims forced to work while transiting the country reported that most were placed as prostitutes or as exotic dancers in nightclubs. Such activity was concentrated on the border with Austria and close to Ukraine and along trucking routes with a prevalence of nightclubs. Traffickers closely monitored victims, withheld their documents, and used violence in order to ensure their compliance. Some victims allegedly were threatened with violence or even death if they attempted to escape.

Corruption among border officials, police, and asylum officials allegedly hampered efforts to combat trafficking. According to some NGO activists, customs and police officers treated victims poorly.

The government did not detain, prosecute, fine, or deport persons identified as trafficking victims. Although no formal screening or referral process was in place, the law required police to provide a list of victim's assistance programs to suspected victims. NGOs reported increased cooperation and communication with police investigators at the borders. The Ministry of Interior provided funding to an NGO, Dafne, for assisting returned victims on a case-by-case basis. A grant provided by the Ministry of Labor in 2004 funded an NGO-operated antitrafficking public awareness campaign in Romani communities in the central part of the country. There was no shelter dedicated exclusively to trafficking victims.

In April the government formed an expert working group to develop and coordinate official antitrafficking strategies and to draft a national action plan. On October 1, a newly appointed national coordinator for the fight against trafficking in persons assumed his position.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. In practice, however, experts reported that access to buildings and higher education remained a problem. There were reports that persons with severe physical handicaps received less than the minimum wage in some instances.

NGOs reported that a better network of organizations was needed to improve psychiatric care of patients with mental disorders and to monitor human rights violations against them.

Cage beds continued to be used in psychiatric institutions and hospitals, which fall under the purview of the Ministry of Health. The law prohibits both physical and nonphysical restraints in social care homes, which are managed by the Ministry of Social Affairs.

A working group, the council for citizens with disabilities, served as a governmental advisory body regarding persons with disabilities. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the health ministry on the national health program. The government sponsored a contest for the local government most accessible to persons with disabilities.

National/Racial/Ethnic Minorities.—Widespread discrimination against Roma continued in the areas of employment, education, housing, and health services. Roma constituted the second largest ethnic minority, reported by the 2001 census to number 90 thousand, although experts estimated the population to be between 350 and 400 thousand. The discrepancy was attributed to Roma identifying themselves as Hungarian or Slovak.

Activists frequently alleged that a few employers refused to hire Roma, whose unemployment rate exceeded 95 percent in many settlements.

Many NGOs reported that segregation in schools continued (see section 5, Children).

NGOs alleged that Roma were more likely to confront housing discrimination. For instance, on a few occasions during the year, local authorities and groups forced evictions of Romani inhabitants or blocked construction permits or the purchase of land. Many Romani settlements lacked formal infrastructure, access to clean water, and proper sewage systems.

There were several reports that Roma suffered discrimination with respect to health care. In November the Ministry of Health began to train health care assistants who speak Romani as part of a pilot program to improve Roma access to health services.

In June the mayor of Presov announced the construction of a wall or fence to separate Roma from non-Roma citizens in the Stara Tehelna neighborhood; the plan received critical media coverage and sparked international concern before the city decided to reevaluate the plan. The plenipotentiary for Romani communities negotiated with community leaders, eventually reaching an agreement to focus on other projects.

A few mayors were reported to use hate speech against Roma during the year, although none was prosecuted.

The government reported that usury, the illegal charging of high interest rates on small loans, was one of the main causes of the deepening poverty of Roma in settlements. In the first half of the year, prosecutors brought 30 usury cases to the court, resulting in 15 convictions.

Skinhead violence against Roma continued to be a serious problem. The NGO People Against Racism reported that although police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted. The organization also reported receiving frequent e-mail and telephone threats from skinheads.

During the summer three attacks on Romani families in Sered occurred. The police charged one suspect with causing bodily harm. The trial had not begun by year's end. While NGOs claimed that some Romani families left Sered in the wake of the attacks, the relocations may have been temporary.

A nationalist organization known as Slovenska Pospolitost (Slovak Community) continued to hold events designed to intimidate minority groups. Dressed in uniforms similar to those of the Hlinka Guards (the country's fascist wartime civic guard responsible, among other things, for the country's concentration camps), the group's members held marches and rallies to commemorate the wartime fascist state and to spread messages of intolerance against ethnic and religious minorities. The police charged the group's leader with the "support and promotion of a movement which suppresses the rights and freedoms of citizens." In November the general prosecutor filed for the abolition of the group after party members attacked police during an October rally. In the first half of the year, the government charged the group with supporting and promoting a movement which suppresses the rights

and freedoms of others in response to charges made by Jewish groups and NGOs. In 2004 these charges were brought in eight cases.

The government's plenipotentiary for Romani communities maintained five regional offices to supervise the implementation of governmental policy on Roma issues, support infrastructure development, and cooperate with municipalities and villages to improve interaction between Roma and non-Roma. The Ministry of Labor funded Roma Terrain Social Workers, which assigned specially-trained social workers to Romani settlements to provide assistance such as helping Roma to fill out paperwork and building awareness of the importance of education and preventative healthcare.

The government implemented its action plan against xenophobia and intolerance and expanded offices and programs concentrating on Roma affairs. A special police unit monitored extremist activities, and a commission consisting of NGOs, police, and government officials advised the police on minority issues. The police began a pilot project in which Roma advisors trained in cross-cultural communication and conflict resolution were placed in Romani settlements in each region, and NGOs reported increased communication and cooperation with law enforcement in border regions.

The Slovak national center for human rights reported that 217 complaints of discrimination were filed during the year. The most frequent claim (cited in 54 of the 217 cases) regarded discrimination in labor-related issues, including access to work.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join unions, except in the armed forces, and workers exercised this right in practice. Approximately 17 percent of the work force was unionized.

In October and December the police labor union held two protests against low wages and benefits. The minister of the interior drew widespread outcry when he demoted the officer heading the labor union.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, and workers exercised these rights in practice.

The law provides for the legal right to strike, except for civil servants in essential services and members of the military, in two instances: when collective bargaining fails to reach an agreement, or to support other striking employees' demands (solidarity strike). The unions generally exercised these rights in practice without restrictions. Strikes must be announced in advance. The law prohibits dismissing workers legally participating in strikes; however, strikers are not ensured protection if a strike is considered illegal or unofficial.

There are no export processing zones. Also, there are no special laws or exemptions from regular labor laws in free trade zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively implemented and enforced laws and policies to protect children from exploitation in the workplace.

The minimum age for employment is 15, although children under 15 may perform light work in cultural or artistic performances, if it does not affect their health, safety, or schooling. The labor inspection office and health protection office must approve, determine the maximum hours for, and set conditions for child labor under age 15. Children under age 16 may not work more than 30 hours per week, and children aged 16 to 17 are limited to 37.5 hours per week. Children under age 18 are not allowed to work underground, work overtime, or perform work that is inappropriate for their age or health.

District inspection units received and investigated child labor complaints. If a unit determined that a child labor law or regulation had been broken, it turned the case over to the national inspection unit of the Ministry of Labor.

Child labor, primarily in the form of begging, was a problem in some communities; there were also isolated reports of forced prostitution (see section 5).

e. Acceptable Conditions of Work.—The minimum wage of \$215 (6,900 SKK) per month provided a decent standard of living for a worker and family in rural areas of the country but not in urban areas. The law mandates a maximum workweek of 48 hours (including overtime), with 30 minute breaks after 6 hours of work (after 4 hours for employees younger than 18), and rest periods of at least 12 hours between shifts. The trade unions, the Ministry of Labor, and local employment offices monitored observance of these laws, and authorities effectively enforced them.

The law establishes health and safety standards that the office of labor safety generally enforced. Workers have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations; whether they did so in practice was not clear. Employees working under conditions endangering their health and safety for a certain period of time are entitled to be paid “relaxation” leave in addition to their standard leave.

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic of approximately two million persons. Power is shared between a directly elected president (head of state), a prime minister (head of government), and a bicameral parliament, composed of the National Assembly (lower house) and the National Council (upper house). In October 2004 the country held free and fair multiparty elections for seats in the National Assembly. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- use of excessive force by police against detainees
- lengthy trial delays
- government influence on media
- inadequate review of asylum applications
- violence against women
- trafficking in women and girls
- discrimination and violence against Roma and homosexuals
- discrimination against former Yugoslav residents without legal status

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police occasionally used excessive force such as kicks, punches, and shoves during arrest. Societal violence against individuals based on their sexual orientation was reported (see section 5).

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

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

Role of the Police and Security Apparatus.—Police are centrally organized under the supervision of the police and security bureau of the Ministry of Interior (MOI). The bureau oversees the drafting of basic guidelines, security policy, and regulations governing the work of the police and exercises special inspectorial authority in monitoring police performance, with an emphasis on the protection of human rights and fundamental freedoms. The general police administration, headed by the general director of the police, has overall responsibility for the execution of police duties and oversees activities at the national level. Regional police duties fall under the jurisdiction of police administration units, whose directors report to the general director. Local policing is provided by individual police stations, whose commanders report to the director of the relevant police administration. The police provided effective law enforcement.

During the year the independent commission for the prevention of corruption received 65 credible reports of police corruption, of which 46 were referred to the police for further investigation and 2 were referred directly to the state prosecutor. There were no prosecutions, trials, or dismissals based on the reports by year’s end. Of the nine cases reported in 2004: police filed two indictments, one of which was rejected by the state prosecutor’s office, and reported one to the state prosecutor’s office for further investigation; one case was dismissed for exceeding the statute of

limitations; four cases were pending with the police; and one case was still pending with the commission.

Arrest and Detention.—Persons taken into police custody were generally apprehended openly with evidential warrants issued by either a prosecutor or judge. Persons can be detained for 48 hours before charges are brought. Authorities must also advise detainees in writing within 48 hours of the reasons for their arrest. Upon arrest, detainees have the right to contact legal counsel of their choice, and authorities generally respected this right in practice, although the deputy ombudsman for human rights reported a few cases in which several days passed before police provided counsel to the detainee. The government provides indigent detainees with free counsel, and detainees were generally allowed prompt access to family members. The law also provides safeguards against self-incrimination.

On August 26, police officers in Koper arbitrarily arrested and detained an individual without informing her of her rights or the charges. The detainee claimed that police treated her inappropriately. A complaint filed with the Koper police was being investigated at year's end.

There were no reports of political detainees.

Once charges are brought, pretrial detention may last for up to four months, depending on the severity of the criminal act, and must be certified by an investigative judge. Once trial procedures have begun, the total period of detention may be extended for up to two years. Persons detained more than two years while awaiting trial or while their trial is ongoing must be released pending conclusion of their trial (see section 1.e.). Lengthy pretrial detention was not a widespread problem, and defendants generally were released on bail, except in the most serious criminal cases.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision in practice. Court backlogs sometimes resulted in lengthy trials.

The judicial system consists of district courts, regional courts, courts of appeals, an administrative court, and the Supreme Court. The local and district courts serve as courts of first instance, whose decisions may be appealed to the courts of appeal. The Supreme Court hears appeals of rulings by the courts of appeal. A labor court and an administrative court hear cases within their substantive areas of jurisdiction. A nine-member constitutional court rules on the constitutionality of legislation, treaties, and international agreements and is the highest level of appeal for administrative procedures. Judges, elected by the National Assembly upon the nomination of the judicial council, are constitutionally independent. The judicial council is composed of six sitting judges elected by their peers and five presidential nominees elected by parliament.

Trial Procedures.—Trials are generally public and are conducted by jury; however, judges may decide to close trials to the public when the defendant is a juvenile or details of the personal life of the accused may be disclosed. Defendants have the right to be present during the trial and to consult with their attorney in a timely manner. An attorney is provided at public expense only if the defendant faces serious criminal charges. Defendants may confront witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have a right of appeal.

The judicial system was overburdened and lacked administrative support; as a result, the judicial process frequently was protracted. In many cases during the year, criminal trials lasted from two to five years.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, there were reports of indirect government influence on the media.

The media were active and independent but did not express a broad range of political views. The major print media were supported through private investment and advertising; however, the government owned substantial stock in many companies that were shareholders in the major media houses. Three of the six national television channels were part of the government-subsidized RTV Slovenia network.

On August 31, the district court in Murska Sobota acquitted the five persons accused of participating in the 2001 attempted murder of investigative journalist Miro Petek.

There were reports that partial government ownership of media companies resulted in self-censorship in certain media outlets. In October parliament passed a law regarding national radio and television that provides increased government and parliamentary representation on the boards that directly oversee the public radio and television network. Managers reportedly protected their own economic and political interests and the interests of those in government with whom they were affiliated.

There were no government restrictions on the Internet or academic freedom.

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 prohibits groups from registering if “with its activity directs to illegal destruction of the Constitutional order, directs to execution of criminal acts and encouraging to national, racial, religious and other intolerance and spreads national, racial, religious and other hatred and intolerance or encourage into violence and war.”

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

Religious communities must register with the government’s office for religious communities if they wish to be legal entities, and registration entitles such groups to value-added tax rebates. During the year the office processed the two applications that had been outstanding at the end of 2004.

While there are no governmental restrictions on the Muslim community’s freedom of worship, services commonly were held in private homes for lack of a larger venue. At year’s end the Islamic community had selected a plot of land on which to construct a mosque in the capital Ljubljana; however, a denationalization claim by the Catholic Church delayed the sale of the land by the municipality.

Societal Abuses and Discrimination.—The Jewish community in the country was very small. Jewish community representatives reported some prejudice, ignorance, and false stereotypes of Jews propagated within society. There were no reports of anti-Semitic violence or overt discrimination.

Police did not detain anyone in the October 2004 grave desecration incident.

The government promoted antibias and tolerance education in the primary and secondary school curricula, with the Holocaust as a mandatory topic in the contemporary history curriculum.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and the government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

During the year the government did not provide temporary protection to persons who may not have qualified as refugees under the 1951 convention.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Expedited procedures prevented some asylum seekers from receiving a thorough review. Lack of personnel and funding, and the decision by the Supreme Court to allow “manifestly unfounded” applications to be denied without thorough review, resulted in hasty determinations of the validity of asylum applications. The law provides asylum seekers with the right to appeal decisions on their applications, but many asylum seekers were not informed of this right. The independent ombudsman for human rights and several nongovernmental organizations (NGOs) reported that the government put excessive restrictions on refugees’ freedom of movement by requiring asylum seekers to sign a statement renouncing their claim to asylum if they left the premises of the asylum center.

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

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

Elections and Political Participation.—In October 2004 the country held free and fair elections for seats in the National Assembly.

There were 14 women in the 90-seat National Assembly and 3 women in the 40-seat National Council. There was 1 woman in the 17-member cabinet.

There were 2 members of minorities in the 90-seat National Assembly and none in the 40-seat National Council or in the cabinet. The constitution provides the “autochthonous” (indigenous) Italian and Hungarian minorities the right, as a community, to have at least one representative in the parliament. However, the law does not provide any other minority group, autochthonous or otherwise, the right to be represented as a community in parliament.

Twenty distinct Romani communities, each designated autochthonous at the local level, are entitled to a seat on their local municipal councils. At year’s end one municipality (Grosuplje) was not in compliance with this law. Although both the government office of nationalities and the Romani community submitted proposals to freeze the municipality’s budget until it complies with the law, at year’s end no action had been taken to do so.

Government Corruption and Transparency.—Corruption was perceived by the public to be a widespread problem. The independent commission for the prevention of corruption reported 65 reports of corruption during the year: 4 within the executive branch of government, 3 within the judiciary, and 23 within local municipalities. The remaining cases did not involve government officials. The commission issued guidance for developing codes of conduct that included provisions on dealing with conflicts of interest; issued regulations for dealing with official gifts; issued 33 expert opinions evaluating specific cases based on anticorruption principles; developed a draft code of conduct for employees in public sector agencies; drafted a new law to prevent corruption; developed and adopted an action plan for implementing this law; organized and provided lectures on corruption for 212 officials and public servants; and organized 5 conferences on executing integrity plans. The commission designed and distributed the financial disclosure forms mandated by a December 2004 law, which requires all parliamentarians, mayors, municipal council members, ministers, and state secretaries to update them annually and append their tax returns. The commission played an active role in educating the public and civil servants about corruption; however, it had neither adequate staff nor adequate funding to fulfill its mandate. During the year the government announced its intention to abolish it and transfer oversight responsibilities to the parliament.

During the year the commission forwarded 46 suspected cases of corruption to police, who issued 18 criminal indictments.

The law provides for free public access to all government information, and the government provided access for citizens and noncitizens alike, including foreign media. The government may deny public access only to classified information, personal data protected by privacy laws, and other narrowly defined exceptions.

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

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

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions in practice. However, violence against women and children, trafficking in persons, and discrimination against homosexuals and Roma were problems.

Women.—Violence against women, including spousal abuse, occurred often and was generally underreported. Although domestic violence was not specifically prohibited under the law, it could be prosecuted under statutes criminalizing assault and providing for penalties of up to five year’s imprisonment. SOS Phone, an NGO that provided anonymous emergency counseling and services to domestic violence victims, received thousands of calls during the year. SOS Phone estimated that 20 percent of women had experienced domestic violence. On July 25, the United Nations Human Rights Committee announced its concern about the high rate of domestic violence and the lack of specific legal provisions and government programs to address the problem. The government partially funded 11 shelters for battered women, which operated at capacity (170 total beds, including 74 for women and 96 for children) and was forced to turn away numerous victims. When police received reports of spousal abuse or violence, they generally intervened and prosecuted of-

fenders. The NGOs SOS Phone and Kljuc provided hot lines. The police academy offered training on domestic violence.

Rape, including spousal rape, is illegal; however, it was a problem. Spousal rape, in particular, was rarely reported. In 2004 Amnesty International estimated that one in seven women was raped during her lifetime but that only 5 percent sought assistance or counseling. Police actively investigated reports of rape and prosecuted offenders. The penalty for rape was one to ten years in prison. During the year there were 33 indictments for rape, 11 indictments for sexual violence, and 9 indictments for sexual abuse of the weak. Police conducted several public awareness campaigns to familiarize society with the problems of rape and domestic violence.

Prostitution is illegal, but the government did not actively enforce this prohibition. Antitrafficking authorities and NGOs informally estimated that as many as 80 bars and clubs across the country could be engaged in facilitating or promoting prostitution.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

The law does not explicitly prohibit sexual harassment; however, it may be prosecuted under the law that prohibits sexual abuse. Sexual harassment remained a widespread problem.

The law provides for equal rights for women, and there was no official discrimination against women in family law, property law, or the judicial system. The office of equal opportunities protects the legal rights of women. Although both sexes had the same average period of unemployment, women frequently held lower paying jobs. On average, women's earnings were 90 percent of those of men.

Children.—The government was committed to protecting children's rights and welfare.

The government provides compulsory, free, and universal education for children through grade nine and up to four additional years of free, voluntary secondary school education. The Ministry of Education reported an attendance rate of nearly 100 percent of school-age children, with most children completing secondary school. The government provided universal health care for all citizens, including children.

A number of Roma also reported that their children attended segregated classes and were selected by authorities in disproportionate numbers to attend classes for students with special needs. In July 2004 the government provided funding for a regional program to desegregate and expand Romani education by training Romani educational facilitators and creating special enrichment programs in public kindergartens. Other school districts hired Romani facilitators at their own initiative and expense. The government has not developed a bilingual curriculum for Roma on the grounds that there is not a standardized Romani language. However, the government has funded research into codification of the language.

Child abuse was a problem. During the year there were 84 indictments for sexual abuse of a child under the age of 15. The law provides special protection for children from exploitation and mistreatment, and the government generally enforced the law in practice. The law was amended in 2004 to criminalize the sale, purchase, and propagation of child pornography. During the year the ombudsman for human rights organized an extensive information campaign to highlight the problem of child abuse. Social workers visited schools regularly to monitor any incidents of mistreatment or abuse of children.

Child marriage occurred within the Romani community; however, it was not a widespread problem.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

Penalties for trafficking range from 1 to 10 years' imprisonment. Persons can also be prosecuted for rape, pimping, procurement of sexual acts, inducement to prostitution, sexual assault, and other related offenses. During the year there were 2 indictments for trafficking, 5 for pimping, and 11 for assisting prostitution. Trials in the two trafficking cases were ongoing at year's end. Government efforts to apprehend traffickers were more effective than in past years due to the implementation of a 2004 law that criminalizes trafficking, but victims received less support due to inadequate funding for the country's sole antitrafficking NGO. Police and prosecutors began using the new law to investigate and prosecute traffickers. Regional police directorates had departments that investigated trafficking and organized crime. An inter-ministerial working group was responsible for developing the government's antitrafficking strategy.

The government actively cooperated with the NGO Mirage 2004 and Interpol by sharing information about traffickers and patterns of illegal migration. Police training was conducted during the year to improve officers' awareness of trafficking laws. One prosecutor in each regional state prosecution office was dedicated for trafficking cases.

Of the 5 cases of forced slavery filed in 2004 against 12 individuals, 2 resulted in criminal investigations and the remaining 3 continued to be investigated at year's end. All trials were ongoing at year's end.

The country was primarily a point of transit, and secondarily a destination, for women and teenage girls trafficked from Southeastern, Eastern, and Central Europe to Western Europe and North America. Trafficking in persons through the country was a significant problem. Victims were trafficked primarily for purposes of sexual exploitation. Those at particular risk of being trafficked were teenage girls and young women who lived in impoverished areas with high unemployment. Traffickers reportedly subjected some trafficking victims to violence in the form of beating and kicking.

Organized criminal groups, nightclub owners, and local pimps were primarily responsible for trafficking. A 2003 study by the International Organization for Migration reported that traffickers lured victims from Eastern Europe and the Balkan countries through advertisements promising high wages, offers of marriage, offers of employment as entertainers and dancers, and offers of employment without indication that it would involve the sex industry. Harsh conditions in some women's home countries also contributed to their willingness to enter into prostitution and lack of awareness that they might become trafficking victims or be subjected to severe conditions.

In November parliament adopted a law on the protection of witnesses in order to prosecute trafficking cases more effectively. In general authorities did not treat trafficking victims as criminals; however, they usually were voluntarily returned to their home country either immediately upon presenting themselves to authorities or following their testimony in court. The UNHCR reported that asylum caseworkers paid insufficient attention to identifying victims of human trafficking.

The government's national coordinator for trafficking in persons served as the head of the interagency working group on trafficking in persons, which is responsible for the government's long-term national strategy to combat trafficking. The working group, which included representatives of different ministries, NGOs, international organizations, and the media, established standard operating procedures for first responders to ensure that victims receive information about the options and assistance available to them. The group met four times during the year despite nearly five months of inactivity resulting from conflict of interest allegations against the head of the NGO Kljuc, which is the government's implementing partner for antitrafficking efforts.

Kljuc, the country's sole NGO providing support to trafficking victims, organized a 3-day training for 13 prosecutors. Due to a government budgeting impasse for part of the year, Kljuc was forced to close its safe house and reported turning away 12 victims during the year.

The project against trafficking and sex- and gender-based violence (PATS) provided information and assistance to the asylum seekers at greatest risk of being trafficked, especially single women and children separated from their parents. Key elements of the project included information about where potential victims could access assistance, access to specialized assistance and protection for victims identified in the asylum procedures, and access to asylum procedures for identified trafficking victims. All at-risk asylum seekers receive a book containing trafficking information and assistance contacts throughout Europe. The project was jointly administered by the asylum section of the Ministry of Interior, two local NGOs (Kljuc and Slovenksa Filantropija), and the UNHCR.

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 government services, and the government generally enforced these provisions in practice. The law mandates access to buildings for persons with disabilities, and modifications of public and private structures to ease access by these persons continued, although at a slow pace. However, most buildings were not accessible in practice. The Ministry for Labor, Family, and Social Affairs has primary responsibility for protecting the rights of persons with disabilities. On December 20, the Ministry for Labor, Family, and Social Affairs set minimum quotas for disabled employees in public and private sector jobs. The quota in the public and non-commercial sector was 2 percent, and in private industry it was 6 percent.

National/Racial/Ethnic Minorities.—According to the 2002 census, minorities made up approximately 17 percent of the population and included approximately 36 thousand Croats, 39 thousand Serbs, 22 thousand Bosniaks (Bosnian Muslims), 10 thousand Muslims, 6 thousand Hungarians, 6 thousand Albanians, 3 thousand Roma, and 2 thousand Italians.

The law provides special rights and protections to autochthonous Italian and Hungarian minorities, including the right to use their own national symbols and have bilingual education and the right for each to be represented as a community in parliament (see section 3). The Romani minority does not have comparable special rights and protections. The constitution provides that “the status and special rights of Gypsy communities living in Slovenia shall be such as are determined by statute.” By year’s end parliament had not enacted laws to establish such rights for the Romani community.

In a 2003 report, the committee on the elimination of racial discrimination expressed concern that discriminatory attitudes and practices against the Roma persisted and that the distinction between “indigenous” Roma and “new” Roma could give rise to new discrimination. Ethnic Serbs, Croats, Bosnians, Kosovar Albanians, and Roma from Kosovo and Albania were considered “new” minorities; they were not protected by the special constitutional provisions for autochthonous minorities and faced some governmental and societal discrimination with respect to employment, housing, and education.

On July 25, the UN Human Rights Committee reported that the Roma continue to suffer prejudice and discrimination, in particular with access to health services, education, and employment.

Many Roma lived in settlements apart from other communities that lacked basic utilities such as electricity, running water, sanitation, and access to transportation. Unlike in previous years, there were no reports that Roma were forcibly relocated to segregated substandard housing facilities. A 2003 report funded by the European Commission noted that the unemployment rate among Roma was 87 percent.

The Roma also reported discrimination in employment, which complicated their housing situation.

Regularization of status for non-Slovenian former Yugoslav citizens remained an issue. Approximately 18 thousand persons, mostly Yugoslav citizens residing in the country at the time of independence, did not apply for citizenship in 1991–92 and subsequently found their records were “erased” from the population register in February 1992. The deletion of these records has been characterized by some as an administrative decision and by others as an ethnically motivated act. In 2003 the constitutional court ruled unconstitutional portions of a law governing the legal status of former Yugoslav citizens because the law neither recognizes the full period in which these “erased” persons resided in the country nor provides them the opportunity to apply for permanent residency. From February 20 to 24 and from July 2 to 25, several persons went on hunger strikes to protest the government’s failure to implement the constitutional court’s 2003 ruling. At year’s end, the government had not completed legislation to resolve the court’s concerns.

Other Societal Abuses and Discrimination.—The law prohibits discrimination based on sexual orientation; however, such societal discrimination was widespread, and isolated cases of violence against homosexuals occurred. A 2004 poll conducted by the Peace Institute of members of the gay and lesbian community found that 53 percent of respondents had experienced verbal, sexual, or physical harassment because of their sexual orientation.

On June 26, multiple assailants attacked and beat three patrons of a Ljubljana club for homosexuals. Police arrested several suspects but later released them because the victims did not want to press charges.

On July 2, after a gay pride parade, two persons were attacked and severely beaten near the Ljubljana train station, while two others were attacked and beaten in downtown Ljubljana. In all three incidents, the attackers taunted and harassed their victims for being gay. Police arrested several suspects but later released them because the victims did not want to press charges.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and they did so in practice. All workers, except police and military personnel, are eligible to form and join labor organizations. Approximately 35 percent of the workforce was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to bargain collectively, and it was freely

practiced; however, the law requires that 10 percent of the workers in an industry sector be union members before collective bargaining can be applied to the sector as a whole. All workers were covered by either a general collective bargaining agreement or a collective bargaining agreement that focused on a specific business segment.

The law provides for the right to strike, and workers exercised this right in practice. The law prohibits retaliation against strikers, and the government effectively enforced this provision in practice. The law restricts strikes by some public sector employees, primarily the police and members of the military services, and provides for arbitration to ensure due process and protect these workers' rights.

There are no special laws or exemptions from regular labor laws in the export processing zone of Koper. The other two export processing zones in Maribor and Nova Gorica were eliminated during the year.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace and to set forth acceptable working conditions; the government effectively implemented and enforced these laws and policies in practice.

The minimum age for employment is 15; however, rural younger children often worked during the harvest season and on other farm chores. The law limits working hours and sets occupational health and safety standards for children; the government effectively enforced these provisions in practice. Urban employers generally respected the age limits.

Trafficking in children for sexual exploitation was a problem (see section 5).

The Ministry of Labor, Family, and Social Affairs is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating violations of the law. Enforcement practices were generally effective.

e. Acceptable Conditions of Work.—The national monthly minimum wage of approximately \$618 (122,600 tolar) provided a decent standard of living for a worker and family. The law limits the workweek to 40 hours and provides for minimum annual leave of 20 days and a mandatory rest period of at least 1 day per week. Premium pay for overtime was regulated by collective agreements and was not standardized, and maximum overtime was limited to 8 hours per week, 20 hours per month, and 180 hours per year. The Ministry of Labor, Family, and Social Affairs is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating violations of the law. The laws were enforced effectively.

Special commissions under the Ministries of Health and Labor, Family, and Social Affairs set and enforced standards for occupational health and safety. Workers had the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, it was not clear to what extent they could do so in practice.

SPAIN

Spain, with a population of approximately 43 million, is a parliamentary democracy with a constitutional monarch. The March 2004 national election was free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provide effective means of addressing individual instances of abuse. The following problems were reported:

- detainees, foreigners, and illegal immigrants were reportedly abused and mistreated by some members of the security forces
- lengthy pretrial detention and delays in some trials
- some societal violence against immigrants
- domestic violence against women
- trafficking in women and teenage girls for the purpose of sexual exploitation
- societal discrimination against Roma

The terrorist group Basque Fatherland and Liberty (ETA) continued its campaign of bombings. ETA sympathizers also continued a campaign of street violence and

vandalism in the Basque region intended to intimidate politicians, academics, and journalists.

Islamist groups linked to those who killed 191 and injured more than one thousand persons in March 2004 remained active. The government continued to investigate and make arrests.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, one detainee died while in custody during the year. On July 25, Juan Martinez Galdeano died while in the custody of the Civil Guard in Roquetas (Almeria). The Ministry of Interior immediately launched an internal investigation, which concluded that Galdeano died as a result of a civil guard beating. The local civil guard commander was suspended, as were six of his subordinates, pending the judicial investigation of charges that included using banned weapons, obstructing an investigation, and providing false testimony. Legal proceedings were ongoing at year's end.

In July 2004 regional Catalanian police were accused of having killed Moroccan national Farid Bendaomed during an operation against drug trafficking. An investigation into the cause of Bendaomed's death was still ongoing at year's end.

In August, September, and October at least six sub-Saharan Africans died while trying to scale the fences that separate the Spanish enclaves of Ceuta and Melilla from Morocco. Some of the illegal immigrants suffocated or were trampled as hundreds tried to enter the enclaves. The Moroccan government acknowledged that four of the deaths were from shots fired by Moroccan security officials. Doctors without Borders and Amnesty International (AI) claimed that civil guards used "disproportionate force" to repel migrants and pushed migrants back to the Moroccan side of the fence, and reportedly several died as a result.

In response to the waves of illegal immigrants seeking to enter Ceuta and Melilla, the government began to enforce a repatriation agreement with Morocco, sending some of those who entered Ceuta and Melilla back to Morocco. Nongovernmental organizations (NGOs) demanded that the government cease repatriations because of reports that Morocco abandoned busloads of migrants in the desert rather than returning them to their countries of origin.

ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings. ETA publicly claimed responsibility for its attacks.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, suspects charged with terrorism at times claimed that they were tortured and abused during detention. The Council of Europe Commissioner for Human Rights (COE/CHR) explained in his report on the country released in November that "it is common knowledge that systematic allegations of torture—regardless of whether there are any facts or evidence to corroborate them—are an obligation on any ETA activist from the very moment that the arrest takes place, as demonstrated by the documents found in flats occupied by activists of this terrorist organization and used in judicial proceedings."

There were reports that a few members of the security forces abused detainees and mistreated foreigners and illegal immigrants (see section 2.d.). According to AI, government investigations of such alleged abuses often were lengthy, and punishments were light.

The COE/CHR reported that "the NGOs I spoke to all agreed that torture and ill-treatment were not systematically practiced in Spain, although they expressed concern that complaints were not always systematically and effectively investigated." He further noted that "in spite of the persistent and violent terrorist attacks Spain has suffered since its transition to democracy 30 years ago . . . there has been no corresponding toughening of the legislation to curtail, restrict, or limit the rights of people detained for terrorist activities."

AI reported that in June 2004 an officer of the Catalan autonomous police was investigated for the alleged torture of a minor in a judicial inquiry in Lleida (Catalonia). Jordi Vilaseca Cantacorps was arrested in 2003 in connection with alleged acts of street violence and held incommunicado under antiterrorism legislation. He claimed he was forced to stand motionless for up to eight hours without food or water and then to kneel without moving for several hours more. Apparently exhausted and dehydrated, he collapsed and was taken to the hospital. On November 15, the newspaper *El Pais* reported that a judge ordered Vilaseca Cantacorps and two others to stand trial for using an explosive device to partially destroy the

home of a political candidate in Tora, Spain, and for causing extensive damage to a television transmission tower in a suburb of Barcelona. There was no further mention of the outcome of the investigation nor any action taken against police for the alleged torture.

A 2004 AI report stated that torture was not present in a systematic form in the country, but certain practices such as holding detainees incommunicado could create conditions that allow for mistreatment. AI urged an end to legal provisions that allow police to hold suspects of certain terror-related crimes for up to five days with access only to a bar association-appointed lawyer. AI was also concerned about continuing reports of mistreatment of detainees in immigration detention centers and urged the government to broaden its definition of torture to include rape by authorities while in custody.

ETA bombings and attempted bombings caused numerous injuries and property damage. In May a car bomb in Madrid injured more than 50 persons. On June 25, a car bomb exploded in a Madrid stadium. In addition throughout August there were another 12 terrorist attacks in places such as Santiago de Compostela, Guernika, Boroa, Zaragoza, Guipuzcoa, Madrid, Alicante, and Vizcaya. During the year there were 41 ETA bombings causing 96 injuries. However, none of the injuries were serious.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however there were reports of overcrowding and abuse of prisoners.

In its report this year, AI reported instances of violent deaths, torture, and mistreatment in various prisons, some of which were overcrowded. For example, in May 2004 the government held inquiries into a riot at Quatre Camins prison in Catalonia in April 2004. After the deputy director and other prison officials were badly injured, off-duty prison guards reportedly went to the prison, formed a gauntlet, and beat 28 prisoners who were about to be transferred. In July 2004 the Catalonia justice ministry submitted a report to the public prosecutor, recognizing that up to 26 prisoners had been mistreated, but was unable to identify those responsible. It then transferred the case to the public prosecutor. In July the justice ministry dismissed the deputy medical director of Quatre Camins, and in September it announced that the director and deputy director of the prison had also been dismissed.

The government permitted prison visits by independent human rights observers.

In December a delegation of the COE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CAT) reviewed prison conditions in Madrid and Almeria and visited Melilla to examine civil guard procedures for the interception and treatment of foreign nationals at the border with Morocco. The delegation reiterated recommendations that the committee made in 2001 and 2003 to provide detainees with quicker access to lawyers; to reduce the length of incommunicado detention; and to provide detainees with access to their personal doctors rather than government doctors. The government replied that incommunicado detention is only used under strict judicial supervision and that most detainees have prompt access to their lawyers.

In March the COE/CHR and his team visited prisons throughout the country. He did not find evidence of any ill treatment of prisoners. However, his final report did describe recent growth in prison populations and the consequent overcrowding. The COE/CHR also noted the need to provide proper psychiatric care in all hospitals, the absence that along with overcrowding may be factors in the rising number of suicides in prison.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, there were reports of incommunicado detention.

Role of the Police and Security Apparatus.—Police forces include the national police (NP), municipal police, the civil guard, and police forces under the authority of the Catalonia and the Basque Country regional governments. All police forces operated effectively with isolated reports of corruption. Impunity was not a problem. The constitution provides for an ombudsman who investigated claims of police abuse (see section 4). Police internal investigators have 15 days to respond to inquiries from the ombudsman, and the ombudsman's office issues findings on the results of the investigation and can impose sanctions. The ombudsman can perform unannounced inspections of police facilities (see section 4).

Arrest and Detention.—Police openly apprehended suspects with arrest warrants that were issued by a duly authorized official and based on sufficient evidence. The law calls for an expeditious judicial hearing following arrest, and this requirement generally was enforced in practice. Detainees generally were promptly informed of

the charges against them. The courts released defendants on bail unless they believed that the defendants might flee or be a threat to public safety. The police allowed arrested persons prompt access to a lawyer of their choosing or, if they could not afford one, to a court-appointed attorney. In specific terrorism cases, the bar association provided a lawyer to the suspect. Police rarely used incommunicado detention, but the potential for abuse of detainees while in incommunicado detention was a problem (see section 1.c.) Police may not hold a suspect for more than 72 hours without a hearing, except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days—a total of 5 days—without a hearing. These detention procedures were generally respected by the police in practice.

There were no reports of political detainees.

Lengthy pretrial detention was a problem. As of the end of October the prison population was 61,200 of which 13,993 were pretrial detainees who have been confined for various lengths of time. Under the law suspects cannot be detained for more than two years before being brought to trial unless a judge, who may extend pretrial detention to four years, authorizes a further delay. In practice pretrial detention usually was less than one year.

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

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The constitutional court has the authority to return a case to the court in which it was adjudicated if it determines that constitutional rights were violated during the course of the proceedings. The national court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights (ECHR) is the final arbiter in cases concerning human rights.

Trial Procedures.—The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Trials were public and there is a nine-person jury system. Defendants have the right to be represented by an attorney (at government expense for the indigent), to confront witnesses, to present witnesses on their behalf, and to have access to government-held evidence. Defendants enjoy the presumption of innocence and the right to appeal to the next higher court.

Prolonged trial delays were a problem, but do not appear to be the result of corruption, judicial inefficiency, financial constraints, or staff shortages; rather they were a characteristic of the country's legal system.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, there were reports of limits on freedom of the press in the Basque region.

The independent media were active and generally expressed a wide variety of views without restriction.

In 2004 the European Commission presented a report that denounced the restraints placed on journalists in the Basque region, particularly in covering the delegitimizing of the Batasuna political party, which was declared a terrorist organization (see section 3). The government imposed restrictions against publishing documents that the government interpreted as glorifying or supporting terrorism.

In 2003 the national court closed the Basque newspaper, *Euskalunon Egunkaria*, because of its links to the terrorist organization ETA. Subsequently the court continuously reviewed and renewed four-month extensions of the newspaper's closing. On November 24, the judge indicted eight of its leaders for "illicit association to an armed group." The paper has not re-opened, and the trial of the indicted leaders was ongoing at year's end.

In October 2004 Reporters without Borders expressed concern that ETA used terror against media that "does not cover the information according to its (ETA's) point of view." In October 2004 a journalist from the national daily *El Mundo* received a threatening letter from the ETA, and the ETA frequently intimidated journalists in the Basque region.

There were no government restrictions on the Internet or academic freedom.

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

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

The constitution declares the country is a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the government. Among the various benefits enjoyed by the Catholic Church was financing through the tax system. Judaism, Islam, and many Protestant denominations had official status through bilateral agreements, but they enjoyed fewer privileges.

The law establishes certain privileges for officially recognized religious organizations. Religions not recognized officially, such as the Church of Scientology, were treated as cultural associations. The Church of Scientology filed an application for official recognition again in October 2004. However, the government declined to register the church on the grounds that the Ministry of Justice did not have the authority to overturn a 1990 Supreme Court decision to deny the church registration. The church continued to press for official recognition.

Societal Abuses and Discrimination.—Muslim leaders expressed concern that some media reports in 2004 appeared to link the Islamic religion to the March 2004 terrorist attacks. They also expressed concern over housing and employment discrimination. The Islamic Federation reported that the building permit process for new mosque construction could be difficult and lengthy, especially for building sites in central urban locations. A project to construct two mosques in Seville continued to face significant public and bureaucratic opposition.

Jewish community leaders reported that there were 30 to 40 thousand Jews in the country. These leaders also report that while violent anti-Semitic acts against individual members of the community were rare, they were concerned about anti-Semitism expressed as vandalism against Jewish institutions. Jewish synagogues in Barcelona were vandalized in March. The vandalism included anti-Semitic graffiti on the walls of the synagogue.

In 2004 officials from B'nai B'rith claimed there was an increasing anti-Semitic tone in newspaper commentary and political cartoons as well as public displays of anti-Semitism at major sporting events. The government undertook more focused efforts on anti-Semitism, including organizing and hosting the June OSCE conference in Cordoba on "Anti-Semitism and Other Forms of Intolerance"; and the government's appointment of a special envoy to serve as a liaison between the Jewish community and international organizations dedicated to combating anti-Semitism. In January Justice Minister Lopez Aguilar presided over the official establishment of the Foundation for Pluralism and Coexistence, which provided government funding to Jewish, Muslim, and Protestant organizations to promote interfaith tolerance. The government created the foundation partly in response to attacks against Jewish persons and institutions. During the year the government declared and observed an annual Holocaust Remembrance Day.

In March Barcelona police detained a distributor of neo-Nazi music, Jordi R.P. He was arrested for distributing music that promotes the "Third Reich", anti-Semitism, and calls for a racial war. The Catalan police found in his home 600 CDs and other materials used for distribution of neo-Nazi materials praising the genocide and actions of Hitler.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

In response to large numbers of illegal immigrants seeking to enter Ceuta and Melilla, the government began to enforce a repatriation agreement with Morocco, returning some migrants who illegally entered Ceuta and Melilla to Morocco. NGOs demanded that the government cease the repatriations because of reports that Morocco abandoned busloads of migrants in the desert rather than returning them to their countries of origin.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 111 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees, in assisting refugees and asylum seekers.

Between February and May, the government accepted more than 690 thousand applications for status normalization from undocumented migrants. By December it had normalized more than 570 thousand applicants, enabling migrants to participate in social security and other government programs.

In April SOS Racismo, a local human rights group, claimed that race-based attacks increased because some politicians linked Muslim immigration with crime. SOS Racismo said that the March 2004 terrorist attacks did not create a new xenophobia, rather that the attacks roused the existing societal suspicions toward the Muslim population.

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

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

Elections and Political Participation.—In the March 2004 national election Jose Luis Rodriguez Zapatero of the Socialist Party became prime minister in a free and fair election. Governmental power was shared between the central government and 17 regional governments. Local nationalist parties participated in the political process as representatives of linguistic and cultural minorities.

In 2003 the Supreme Court unanimously declared Batasuna to be the political arm of ETA, a terrorist organization and, therefore, illegal. The delegalization means that Batasuna, Euskal Herriarrok, and Herri Batasuna were erased from the registry of political parties. They were not able to participate in any elections, none of their activities (meetings, publications, electoral process) were permitted, and their physical assets have been sold and the proceeds used for social or humanitarian activities. Despite the restrictions, Batasuna representatives retained their seats in the Basque parliament, although under a new organizational name. In March the Supreme Court prohibited candidate supporting the political platform Aukera Guztiak from running in the April regional Basque elections, ruling that it was an offshoot of the de-legalized Batasuna. In April the constitutional court upheld this decision. Nonetheless, the government did not block the participation of another party, the Communist Party of the Basque Lands, in the elections despite the group's official adoption of the Aukera Guztiak platform.

In parliament there were 126 women in the 350-seat lower house and 64 women in the 158-seat senate. There were 8 women in the 16-member cabinet.

The government did not keep statistics on the ethnic composition of the national parliament, but linguistic and cultural minorities appeared to be well represented. The Catalan parliament included a member of Moroccan origin. The Spanish city enclaves of Ceuta and Melilla in North Africa had Muslim political parties.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year.

The law provides for public access to government information, and the government generally provided it.

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

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

The law provides for an ombudsman, called the people's defender, whose duties included investigating complaints of human rights abuses by the authorities. The ombudsman operated independently from any party or government ministry, was elected every five years by a three-fifths majority of the congress of deputies, and was immune from prosecution. He had complete access to government institutions and to all documents other than those classified for national security reasons; he could refer cases to the courts on his own authority. Government agencies were responsive to the ombudsman's recommendations. Several autonomous communities had their own ombudsman, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities. Throughout the course of the year, he made hundreds of official recommendations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally effectively enforced it; however, domestic violence, trafficking in persons, and discrimination against ethnic minorities and immigrants were problems.

Women.—Domestic violence against women was widely acknowledged to be a problem. The law prohibits violence against women, and the government effectively enforced it. During 2004, 23,550 people were convicted of domestic violence crimes. In January a new domestic violence law was enacted, providing for more severe penalties for violence against women or “especially vulnerable” victims. This law provided for six months to a year in jail for domestic violence (as well as threats and breaking a restraining order), with more prison time for serious injuries. According to the government, 62 women were killed as a result of domestic violence during the year. Through November women filed 55,155 complaints against their husbands or male partners. There were 53 offices that provided legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hot line, that advised battered women on where to find local assistance or shelter, operated during the year. In addition the security services strengthened their support for battered women, adding 380 units to the existing 722 specialized units that focus on the victims.

Cases of battered women or women killed by their partners continued to increase in Catalonia. The regional government has opened a specialized center to assist victims. The center had a team of specialists that includes attorneys, social workers, psychologists, and educators.

The law prohibits rape, including spousal rape, and the government effectively enforced it. Through November, the government reported 6,825 cases of sexual assault, harassment, and aggression.

There is a requirement that a doctor examine female immigrants in Catalonia in danger of suffering from female genital mutilation (FGM) “ablation” when traveling to their countries of origin and again upon return. If they were victims of FGM, the parents could lose custody of the child. In practice doctors have not examined immigrants, because there was no suspicion that any such incidents took place.

Prostitution is legal, and was widely reported to be a problem. Forcing others into involuntary prostitution and organizing prostitution rings are illegal. Local governments, notably Madrid and Barcelona, continued campaigns to reduce the number of prostitutes, including antiprostitution advertising, restrictions on prostitution near schools, and police efforts (for example, road closings) to deter clients seeking prostitutes.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace; however, such harassment was widely reported to be a problem. From January to November 2004, the Women’s Institute reported 419 complaints of sexual harassment. Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. An office in the Ministry of Labor and Social Affairs called the Women’s Institute worked to ensure the legal rights of women, as well as to combat economic discrimination and integrate women into the mainstream of society and the economy. Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men.

Children.—The government was strongly committed to children’s rights and welfare.

Education is compulsory until age 16 and free until age 18. There were no differences apparent in the treatment of girls and boys in education. According to the UN Economic and Social Organization (UNESCO) statistics for 2002 and 2003, 100 percent of primary school-age children attended school and 96 percent of secondary school-age children.

Access to the national health care system was equal for girls and boys.

The ministries of health and of labor and social affairs were responsible for the welfare of children. Several regional governments had an office of the defender of children, an ombudsman charged with defending children’s rights.

There were isolated reports of child abuse.

Child prostitution occurred.

Trafficking in teenage girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survived through petty crime. From January to August,

nearly three thousand teenagers who engaged in a variety of activities were rescued from the streets.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The law prohibits trafficking in persons for labor and sexual exploitation, with penalties ranging from 5 to 12 years' imprisonment. The law also prohibits the exploitation of prostitutes through coercion or fraud and the exploitation of workers in general, with penalties ranging from 5 to 10 years' imprisonment. According to an August Ministry of Interior report, during the first six months of the year police arrested more than 1 thousand persons accused of trafficking-related crimes, including illegal immigration (427 people in 67 networks), document falsification (249 people in 31 networks), and sexual exploitation (518 people in 95 networks).

The Ministry of Interior coordinates antitrafficking efforts and received support in its efforts from the office of the president, the Ministry of Labor and Social Services, the Ministry of Justice, and the Ministry of Education. The NP has a special unit, the Immigration Networks and Falsified Documents Unit (UCRIF), which covers trafficking in persons-related issues. The UCRIF intelligence unit analyzed statistical data and trends, while coordinating efforts and sharing data with the civil guard and Interpol. Regional NP offices conduct quarterly reviews to set goals in combating trafficking and to assess success in meeting previous quarter goals.

The government has made the treatment of women a high priority with the passage of the October 2004 integral law against gender violence, a domestic violence law that provides for heavier sentences when violence is directed against women or "especially vulnerable" victims. When King Juan Carlos addressed the diplomatic corps in January, he emphasized the need to fight trafficking in persons networks. Within the Interior Ministry, the NP had primary responsibility for trafficking. In addition the Interior Ministry chaired an interagency committee that dealt with trafficking. Police cooperation with source countries led to 303 trafficking-related arrests in source countries in 2003. The government extradited seven persons for trafficking-related offenses in 2003.

Of four alleged members of an international prostitution ring arrested by Catalan police in September 2004, two were subsequently released, and two remained in prison awaiting trial at year's end.

The country was both a destination and transit country for trafficked persons for the purpose of sexual exploitation (most frequently involving forced prostitution and work in nude dancing clubs) and, to a lesser degree, forced labor (primarily agriculture, construction, and domestic employment) (see section 6.d.). Trafficked women were usually 18 to 30 years of age, but some girls were as young as age 16. Women were trafficked primarily from Latin America (Colombia and Ecuador), East European countries (Romania and Bulgaria), sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were trafficked to a much lesser degree and more often for labor rather than for sexual exploitation.

The traffickers were generally organized criminals based in the source countries.

Methods used by traffickers to maintain control of their victims included physical abuse, forced use of drugs, withholding of travel documents, and threats to the victim's family. Women from Eastern Europe reportedly were subject to more severe violence and threats by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture but then forced them into prostitution upon their arrival in the country. The media reported that criminal networks often lured their victims by using travel agencies and newspaper advertisements in their home countries that promised guaranteed employment in Spain. Typically in the case of Romanian organized networks, women were forced into prostitution where 90 percent of their earnings were marked for the criminal network; men were often employed in low-paying construction jobs. Clandestine clothing production and sales as well as work in restaurants were typical employment for illegal Asian immigrants, who came to the country with false documents through trafficking networks.

The law permits trafficking victims to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in the country or returning to the country of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. In 2003 police reported that 250 victims agreed to testify and were granted short-term residency status.

The government worked with and funded NGOs that provided assistance to trafficking victims. In addition regional and local governments provided assistance either directly or through NGOs. The government's violence education programs for

female victims and an NGO partner on trafficking reported that 89 percent of the victims they assisted pressed criminal charges.

The government contracted with an NGO, Project Hope, to provide protection, housing, and counseling support to the victims of trafficking or other abuse. Project Hope, backed by the Catholic NGO Las Adoratrices and government agencies, specifically was designed to assist trafficking victims. The project operated shelters in Madrid, provided assistance with medical and legal services, and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many referrals directly from police.

In March 2004 the Madrid city government began enforcement of its antiprostitution and antitrafficking campaigns by increasing police presence in targeted zones. The Madrid city government continued its extensive publicity campaign to discourage the potential clients of prostitutes with posters and advertisements in newspapers, on the radio, and on city buses.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice; however, levels of assistance and accessibility differed from region to region. The Ministry of Labor and Social Affairs was charged with protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Public opinion surveys indicated the presence of racist and xenophobic attitudes, which resulted in discrimination and, at times, violence against minorities. On July 21 AI asked the government to implement a national plan against racism and xenophobia in accordance with its European Union and international obligations to take appropriate measures to combat racism. According to AI, the government did not respond by year's end.

In July there were violent incidents in Jumilla by local residents who reportedly felt unsafe because of the increase in the number of immigrants during the summer season. In May in Villaverde (Madrid) there were violent attacks against immigrants after the stabbing and killing of a young citizen was blamed on a Dominican immigrant. Police said that dozens of teenagers took to the streets and attacked at least four recent immigrants, including an Ecuadorian girl.

On September 17, civil guards in Valencia arrested 22 neo-Nazis, accusing them of mistreating immigrants, weapons violations, and other crimes. The neo-Nazis organized so-called "hunts," in which they beat up immigrants and persons who did not support their philosophy. The group had a Web site that encouraged violence against minorities and offered weapons for sale. Such groups were said to be present in more than 90 cities throughout the country, including the autonomous community of Catalonia. Police detained as many as 126 neo-Nazis throughout the country, principally in Catalonia, Madrid, and Aragon.

The central and the Catalan governments' efforts to better integrate immigrants in Catalonia were primarily focused on helping minor and female immigrants. Immigrants were primarily Latin American, Moroccan, and East Europeans, as well as some West Africans.

At times the growth of the country's immigrant population led to social friction, which in isolated cases had a religious component. Muslim community representatives claimed that there were significant anti-Moroccan immigrant feelings (see section 2.c.).

According to the September report of the national NGO Fundacion Secretariado Gitano, Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size was estimated by NGOs at several hundred thousand, suffered from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also had higher rates of unemployment and underemployment. Several NGOs dedicated to improving the condition of Roma received federal, regional, and local government funding. In June the Ministry of Education and Culture and the Fundacion Secretariado Gitano signed a cooperative agreement that focused on improving the attendance of Romani children as well as education for adult Roma. In April the Ministry of Labor and Social Affairs along with Romani representatives established the State Council for Roma People to encourage the participation of Roma in social programs and increase cooperation between the government and the Romani community.

Languages or dialects other than Castilian Spanish are used in 6 of the 17 Spanish regions. The constitution stipulates that citizens have the "duty to know" Castilian, which is the official language of the state; however, it provides that other lan-

guages may also be official under regional statutes and that “different language variations of the country are a cultural heritage which shall be protected.”

Laws in these regions promote the non-Castilian languages in schools and governmental activities. Critics contend that these efforts to promote the use of non-Castilian languages made it more difficult for Castilian speakers to live and work in those areas.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except those in the military services, judges, magistrates, and prosecutors, to form and to join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. Approximately 15 percent of the workforce was unionized. The law prohibits discrimination by employers against trade union members and organizers; however, unions contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, including for all workers in the public sector except military personnel, and it was freely practiced. Public sector collective bargaining includes salaries and employment levels, but the government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers. The law provides for the right to strike and workers exercised this right by conducting legal strikes. A strike in nonessential services was legal if the union gave five days’ notice. Any striking union must respect minimum service requirements negotiated with the respective employer. There are no special laws or exemptions from regular labor laws in the three special economic zones in the Canary Islands, Ceuta, and Melilla.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace. Child labor was generally not a problem. The statutory minimum age for the employment of children is age 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs primarily was responsible for enforcement, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

e. Acceptable Conditions of Work.—The minimum wage was approximately \$620 (513 euros) per month, which generally provided a decent standard of living for a worker and family; however, this was not the case in all areas of the country. The Ministry of Labor and Social Affairs effectively enforced the minimum wage.

The law set a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Overtime is restricted by law to 80 hours per year, unless collective bargaining established a different level. Premium pay is required for overtime, up to a maximum of 80 hours per year.

The National Institute of Safety and Health in the Ministry of Labor and Social Affairs had technical responsibility for developing labor standards, but the inspectorate of labor had responsibility for enforcing the legislation through inspections and judicial action when infractions were found. Unions criticized the government for devoting insufficient resources to inspection and enforcement. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and the authorities effectively enforced this right; however, employees with short-term labor contracts may not understand they have such protections.

SWEDEN

Sweden, with a population of approximately nine million, is a constitutional monarchy with a multiparty, parliamentary form of government. The last national elections, held in 2002, were free and fair. The Social Democratic Party (SDP) has con-

trolled the government for 64 of the past 73 years. The king is the largely symbolic head of state. The prime minister is the head of the government and exercises executive authority. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- anti-Islamic and anti-Semitic incidents
- violence against women and children
- trafficking in women and children
- societal discrimination against foreign-born residents, Roma, and homosexuals

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were isolated reports that government officials employed them.

In May a court convicted two police officers for assault and excessive violence against a 64-year-old man. The court sentenced each of the officers to three-months' imprisonment and dismissed them from the police force. In September authorities initiated investigations against three police officers accused of use of excessive violence during a confrontation near Stockholm in September. The investigations were ongoing at year's end.

Prison and Detention Center Conditions.—While prison conditions generally met international standards, overcrowding and lengthy pretrial detention periods remained problems, particularly in the Stockholm region. The Council for Europe's (COE) Committee for the Prevention of Torture, in a 2004 report, stated authorities should work to assure a proper balance between the needs of criminal investigations and the restrictions placed upon pretrial detainees. It recommended that pretrial detainees be given the right of appeal against court decisions to maintain specific restrictions, such as limitations on visits, telephone calls, association, and censorship of correspondence.

The government permitted visits by independent human rights observers, although there were no such visits 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.—There is a national-level police force divided into 12 districts, each of which reports to a national police board under jurisdiction of the Ministry of Justice. There were no reports of corruption or of problems related to impunity. In January, the office of the prosecutor general established a unit exclusively dedicated to investigations of crimes committed by police officers, judges, and prosecutors.

Arrest and Detention.—The law requires warrants issued by duly authorized officials for arrests, and the government generally respected this requirement in practice. Police must file charges within 6 hours against persons detained for disturbing the public order or considered dangerous, and within 12 hours against those detained on other grounds. Police may hold a person for questioning for 6 hours, although the period may be extended to 12 hours if necessary for the investigation. If the person is a suspect, police must decide whether to arrest or release the person. If the suspect is arrested, the prosecutor has 24 hours (or three days in exceptional circumstances) to request detention. An arrested suspect must be arraigned within 48 hours, and initial prosecution must begin within 2 weeks, unless extenuating circumstances exist, and authorities generally respected these requirements. Detainees may request a lawyer of their choice or if indigent, the court will appoint one. Detainees are afforded prompt access to lawyers, as well as to family members. Although there is no system of bail, police routinely released defendants pending trial, unless they were considered dangerous. In criminal cases, the government is obligated to provide an attorney if the defendant cannot afford one.

There were no reports of political detainees.

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

The judicial system is composed of three levels: district courts, a court of appeals, and the Supreme Court. All cases are heard first in a district court regardless of the severity of the alleged crime. For some areas, there are independent specialized courts, such as the labor court, that are usually the second and last instance for trial after the district court. Other specialized courts, for areas such as water and real estate, depend on the district courts; lawsuits at these courts may be appealed to the Supreme Court.

Trial Procedures.—All trials are public. Juries are used only in cases involving freedom of the press or freedom of speech. In other cases judges or court-appointed civilian representatives make determinations of guilt or innocence. The court system distinguishes between civil and criminal cases. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. In criminal cases, the government is obligated to provide a defense attorney if the defendant cannot afford one. A “free evidence” system allows parties to present in court any evidence, regardless of how it has been acquired. Defendants enjoy a presumption of innocence and have a right of appeal.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice; however, human rights organizations, including the International Helsinki Federation for Human Rights, expressed concern over increased use of surveillance techniques by the police and insufficient protection of the individual’s right to privacy. In 2004 the government created a public representative position within the prosecutor’s office to protect citizens’ rights in court cases involving use of invasive measures, such as camera surveillance or wiretapping.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice.

The law on hate speech prohibits threats or expressions of contempt for a national, ethnic, or other such group of persons with allusion to race, color, national or ethnic origin, religious belief, or sexual orientation. In 2004 a district court convicted Pentecostal Pastor Ake Green for violation of the hate speech law. Green challenged the verdict on the basis of freedom of speech, and in February an appeals court ruled in Green’s favor and overturned the conviction. In March the prosecutor general appealed the state’s case against Green to the Supreme Court. In November the Supreme Court upheld the appeals court ruling and acquitted Pastor Green (see section 2.c.).

Authorities used the hate speech law to prohibit neo-Nazi groups from displaying signs and banners with provocative symbols at their rallies (see section 5).

An active and independent media expressed a wide variety of views without restriction; there were no government restrictions on access to the Internet or academic freedom.

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

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

The Swedish Commission for State Grants to Religious Communities financed 37 religious groups in 2004; the vast majority was Christian churches, and the remainder was four Islamic organizations and the Jewish community. In April the government added the Swedish Buddhist Cooperation Council to the list of religious organizations entitled to state grants; it is the first non-Abrahamic religion to receive such recognition.

In 2004 a district court convicted Pentecostal Pastor Åke Green for violation of the hate speech law. Green’s conviction resulted from a sermon in which he condemned homosexuality, in part on the basis of biblical teachings. In March an appeals court overturned the conviction. The government has appealed the appeals court decision to the Supreme Court. In November the Supreme Court upheld the appeals court decision in favor of Pastor Green, citing freedom of religion and freedom of expression rights guaranteed in the European Convention on Human Rights (see section 2.a.).

Societal Abuses and Discrimination.—Anti-Muslim incidents appeared to have increased during the past few years. For example, in separate incidents in September and October unidentified individuals threw firebombs into the Islamic Center’s

mosque in the city of Malmo; an arson attack had extensively destroyed the same mosque in 2003. The perpetrators of these incidents have not been identified. The Malmo mosque reported it frequently received anonymous threats. Stockholm's largest mosque also reported frequently receiving anonymous threats. In September an imam at the Stockholm mosque stated that fellow Muslims threatened him for his condemnation of terrorism. The office of the ombudsman against ethnic discrimination confirmed that a number of Muslim women reported incidents where they believed that they have been discriminated against because they wore headscarves.

In November Swedish Radio (SR) reported that 4 of 10 Muslim organizations in the country have been threatened, according to an investigation by a SR news program, which interviewed 100 organizations that together represent 80 thousand Muslims. The report said that 3 of 10 organizations have been attacked, vandalized, and damaged. Abuse ranged from graffiti to attacks with fire bombs.

In September the Swedish integration board released survey results that suggested two-thirds of citizens do not view some values within Islam as compatible with fundamental societal values. For example, 37 percent of respondents opposed the building of mosques in the country, and 53 percent opposed the wearing of headscarves by Muslim women.

The Jehovah's Witnesses and members of various smaller Christian churches reported incidents of discrimination during the past few years.

The Jewish community numbered approximately 18,500 to 20,000 persons. According to police statistics, reported anti-Semitic hate crimes increased towards the end of the 1990s and has averaged approximately 130 annually since 2000. In 2004 reported anti-Semitic crimes increased by 44 percent over the previous year. During 2004 police reported 151 anti-Semitic crimes, of these, 7 were classified as assaults, 66 as agitation against an ethnic group, and 47 as unlawful threat or harassment. In July unidentified persons smashed gravestones at a Jewish cemetery in Stockholm. Judisk Sakerhet Sverige, a private security organization for Jewish congregations in Sweden, cited anonymous telephone threats and letters as problems Jewish persons encountered. Lack of evidence generally precluded police prosecution of such cases.

The Living History Forum, a governmental body, conducts research on the country's role during the Holocaust and on its connections to Nazi Germany. During the year the Forum sponsored educational projects, lectures, seminars, and exhibitions throughout the country. The Forum also conducted Holocaust awareness projects in the nearby countries of Estonia and Latvia.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol, and provided it to approximately 469 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

Applications for asylum could remain under consideration for long periods of time with applicants in uncertain status. The appeals process in the courts may extend cases for several years.

The government returned asylum seekers from European Union (EU) countries or from countries with which it maintained reciprocal-return agreements. In most cases, persons returned had passed through or had asylum determinations pending in other EU countries. In many cases, authorities deported asylum seekers within 72 hours of arrival. Human rights organizations expressed concern that some asylum cases were adjudicated too quickly.

The UN Committee against Torture (UNCPT) received eight new cases against the government during the year, all of which concerned denial of applications for political asylum and consequent repatriations to countries where victims allegedly faced a risk of torture. During the year, UNCPT ruled on seven cases and found

that in two cases the country had violated the rights of the petitioners. The UNCPT dismissed one case.

In June the UNCPT found that the country had violated the UN Convention against Torture in connection with the forced repatriation of two Egyptian nationals in 2001. In September a parliamentary committee for government oversight criticized the government for its handling of the Egyptian repatriation case. The committee investigation determined that the government should not have accepted non-torture guarantees provided by the government of Egypt. The committee also criticized the government for its failure to document its contacts with the police on this matter. Also related to this incident, a parliamentary ombudsman investigation (initiated in 2004 and concluded in March) found that the police acted improperly by allowing authorities of another country to take charge of the Egyptian nationals while they were still in the country.

In May the government stopped the repatriation of an Azeri family at the request of the UNCPT. The migration board was further investigating the case. The Swedish Helsinki Committee, a human rights NGO, criticized the lack of an appeals process for individuals subject to repatriation for national security reasons.

In July a new law for the protection of individual (unaccompanied) children seeking asylum entered into force. Under the law the government appoints a legal guardian to such children upon their arrival.

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.—Elections to the 349-member unicameral parliament are held every 4 years. The last elections, held in September 2002, were free and fair. The SDP has dominated the political system for the past seven decades, and SDP members occupied a disproportionately large number of publicly appointed positions. The Swedish Trade Union Confederation continued to provide significant financial and organizational support to the SDP.

There were 158 women in the 349-seat parliament and 11 women in the 22-member cabinet.

The law prohibits the government from holding information about the racial or ethnic background of its citizens; therefore, no statistics on minority participation in the parliament are available. However, there were four members of minorities in the 22-member cabinet (one of Turkish-Assyrian origin, one of Estonian origin, one of Latvian origin, and one Jewish member).

Government Corruption and Transparency.—There were isolated reports of government corruption during the year. In October media reported that an investigation by tax authorities found that bookkeeping irregularities of a soccer team with links to a cabinet minister resulted in the nonpayment of some taxes during the 2000–2004 period. The soccer team was obliged to pay the back taxes. In November privacy laws that precluded scrutiny of political party-membership lists led authorities to abandon an investigation into allegations of embezzlement of public funds by the Social Democratic Youth league, which is associated with the ruling Social Democratic Party. In December the Stockholm county court convicted 14 store managers of the state-owned alcohol distribution monopoly for having received bribes from suppliers.

The law provides for public access to government information, and the government generally respected this in practice. The public has the right to access government documents unless they were subject to secrecy laws, according to which information may be withheld if its release posed a threat to national security or individual or corporate privacy.

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

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

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

The law prohibits discrimination based on race, gender, disability, language, or social status; violence against women and children, trafficking in persons, and discrimination against foreigner residents, Roma, and homosexuals were problems.

Women.—Violence against women remained a problem. The National Council for Crime Prevention (NCCP) reported 20,198 cases of assault against women as of the end of November. Most involved spousal abuse. An average 20 to 30 murders of women and girls were reported each year, half of them by men closely related to the victim. Authorities apprehended and prosecuted abusers. The typical sentence for abuse was a prison term (3 to 15 months on average) or psychiatric treatment.

The law provides victims with protection from contact with their abusers. When necessary, authorities helped women obtain new identities and homes. Both national and local governments helped fund volunteer groups that provided shelter and other assistance to abused women, and both private and public organizations ran shelters and operated hotlines.

Rape, including spousal rape, is illegal. The law stipulates higher sanctions for repeated crimes if the perpetrator had a close relationship to the victim. The NCCP reported 1,912 (as of end of November) rapes of persons over age 14, compared with 2,141 in for the same period in 2004. The law provides that rape may be prosecuted as sexual assault, based on a determination of the level of resistance offered by the victim. At year's end authorities estimated that approximately two thousand women had been exposed to honor-related violence. Immigrants from Muslim countries appeared to be more at risk than other women. The government provided protected housing for young women vulnerable to honor-related violence from family members.

The law prohibits female genital mutilation (FGM). During the year there were no reports of FGM in the country, but there are nearly 30 thousand women from countries in which FGM is practiced. The practice of FGM is a felony punishable by up to 10 years' imprisonment.

Prostitution is legal; however, the purchase of sexual services is illegal. Prostitutes were not arrested but their clients were. The government has sought to curb prostitution by focusing on the demand rather than the supply side. Both government and nongovernmental sources asserted that the law has proven effective in limiting prostitution and trafficking in persons.

Trafficking in women was a problem (see section 5, Trafficking).

The law prohibits sexual harassment, and the government generally enforced this law in practice. Employers who do not investigate and intervene against harassment at work may be obliged to pay damages to the victim.

Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. But some sectors of the labor market still showed significant gender disparities. During the year women's salaries averaged 85 percent of men's salaries, adjusting for age, education, and occupational differences.

The equal opportunity ombudsman (EOO), a public official, investigates complaints of gender discrimination in the labor market. Complaints may also be filed with the courts or with the employer, with mediation by the employee's labor union. During the year the EOO's office registered 170 cases. Women filed approximately 80 percent of the cases, 39 percent of which concerned salaries. The number of discrimination complaints related to pregnancy increased to 35, compared with 19 in 2004.

Children.—The government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The government provided compulsory, free, and universal education for children ages 9 to 16, but public schooling was provided until age 18. Nearly 100 percent of school-aged children attended school, and the highest level achieved by most children was completion of high school.

The government also provided free medical care for all children up to the age of 16, and boys and girls had equal access.

Child abuse was a problem. As of the end of November, the NCCP reported 6,513 cases of abuse of children under the age of 15. As of the end of November, police reported 537 cases of child rape and 1,089 cases of sexual abuse of children, compared with 467 reported cases of rape and 1,400 reported cases of child sexual abuse in 2004.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The usual sentence for such an offense is a fine combined with counseling and monitoring by social workers. Authorities may remove children from their homes and place them in foster care.

Trafficking in children was a problem (see section 5, Trafficking).

The government allocated funds to private organizations concerned with children's rights. The NGO Children's Rights in Society offered counseling to troubled youngsters. The government continued to be active internationally in efforts to prevent child abuse.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, through, and within the country.

The law prohibits the trafficking of persons for sexual purposes, provides for sentences of two to ten years' imprisonment for persons convicted of trafficking, and criminalizes attempting to traffic, conspiracy to traffic, and the failure to report such crimes. Police reported 41 reported cases of trafficking, as of the end of November.

To prosecute traffickers, authorities continued to use laws against procurement and an offense called "placing in distress," which can apply in cases where traffickers lure women from other countries under false pretenses. The laws on procurement and trafficking complement each other; however, the antitrafficking law requires that prosecutors prove traffickers used "improper means." Judges commonly ruled that "improper means" were absent in cases involving victims who consented to being trafficked. Although consent is irrelevant under the antitrafficking law, in practice judicial interpretation of the improper means criteria makes it difficult to obtain convictions. Prosecutors consequently continued to rely on the procurement laws for most convictions of traffickers. As of November, there were 80 cases of procurement reported, many involving trafficking victims. In July the country increased penalties for procurement; those convicted of procurement now face up to eight years in prison.

The country continued to be a transit point, and to a lesser extent a destination, for trafficked women and children. Many law enforcement officials and analysts estimated the number of trafficked women at approximately 500 per year. Victims came primarily from the Baltic region, Eastern Europe, or Russia. Those transiting the country came primarily from the Baltic region, heading towards suspected destination countries of Denmark, Germany, Norway, Spain, and the United Kingdom. There were occasional cases of trafficked women from South America and Thailand. Police reported approximately 10 percent of child trafficking involved victims ages 16 and 17. Most of these children were trafficked from the Baltic states and countries of the former Soviet Union. None of the cases involved young boys. Since November 2004 approximately 120 Chinese children arrived without papers in Stockholm and requested asylum. Police suspected the children were being trafficked to European countries for cheap labor or sexual exploitation. All 120 disappeared shortly after arrival. In May Dutch police detained six of these children in the Netherlands.

Traffickers typically recruited victims in their countries of origin to work as cleaners, babysitters, or in similar employment abroad. Once in the country, traffickers isolated and intimidated victims, and forced them to work as prostitutes in hotels, restaurants, massage parlors, or private apartments; some were likely locked up and had their passports confiscated.

The government allocated funds to domestic and international NGOs to provide shelter to victims and aid in rehabilitation. Police and social services also provided funding. The law enables trafficking victims who cooperate with police investigations to receive temporary residence permits. Holders of temporary residence permits have access to the full range of social benefits. Victims who do not cooperate with police investigations are not eligible to receive temporary residence permits and are deported immediately.

Persons with Disabilities.—The law prohibits employers from discriminating against persons with disabilities in hiring decisions and prohibits universities from discriminating against students with disabilities in making admissions decisions. No other specific law prohibits discrimination against persons with disabilities. There were 510 reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services.

Regulations for new buildings require full accessibility, but there is no such requirement for existing public buildings, except for certain public entities that are obliged to make their facilities accessible. Many buildings and some means of public transportation remained inaccessible.

There is an ombudsman for disability issues, who accepts disability-related complaints.

National/Racial/Ethnic Minorities.—Approximately 12 percent of the population was foreign born, with the largest groups from Finland, Iraq, Iran, and the former Yugoslavia. During 2004 there were 2,263 reports of xenophobic crimes of which 11.7 percent were related to neo-Nazism/White Power ideology. According to Swedish security police revised statistics, this reflected a 27 percent increase over 2003, but a change in the reporting methodology rendered it difficult to make a straightforward comparison. The government investigated and prosecuted race-related

crimes; however, a study conducted by the national police academy indicated that officers in 17 of 20 police districts had insufficient knowledge about how to deal with hate crimes.

Estimates placed the number of active neo-Nazis, or white supremacists, at approximately three thousand. The NGO EXPO estimated that 1,200 to 1,300 individuals attended the annual neo-Nazi/White Supremacist march that takes place in Salem in December. Neo-Nazi groups operated legally, but courts have held that it is illegal to wear xenophobic symbols or racist paraphernalia or to display signs and banners with provocative symbols at rallies, since the law prohibits incitement of hatred against ethnic groups.

A report released in June by the COE concerning racism and intolerance in the country identified discrimination towards non-ethnic Swedes. The report noted inequalities in access to the labor market and housing. It identified segregation as a *de facto* occurrence. It also identified an active presence of racist organizations that disseminate their views.

At year's end the ombudsman for ethnic discrimination had received reports of 876 cases, up from 794 in 2004.

In June a government-commissioned inquiry on power, integration, and structural discrimination presented highly critical findings of the country's integration policy. The inquiry identified shortcomings in the labor market, the legal system, and the educational system. The report's conclusions called for a shift of government emphasis away from integrating immigrants towards combating discrimination.

The law recognizes Sami (formerly known as Lapps), Swedish Finns, Tornedal-Finns, Roma, and Jews as national minorities. The government supported and protected minority languages. In response to a 2003 COE report that criticized government efforts to protect minority languages, parliament in 2004 initiated (at the government's request) an investigation of ways to improve the status of the Finnish language in the greater Stockholm and Malar regions. This investigation remained open during the year, and expanded its scope to include the Sami language. Also in response to the COE report, the government tasked a parliamentary committee on media support to examine ways to improve support for Sami and Meankili minority-language newspapers.

A report presented by the school authority on minority languages indicated that there were shortcomings in the provision of teachers and educational material for minority language teaching. The report also stated that the situation did not appear to have changed since a similar report in 2001 and that there appeared to be a municipal lack of concern for the issue.

In June the International Helsinki Federation for Human Rights released a report, *The Situation of Roma in Selected Western European Countries*, which stated that Roma in the country who numbered approximately 20 to 25 thousand, suffered from discrimination and institutional racism. It found that Roma lived segregated, that they had limited access to public and private housing markets, and that authorities did not adapt public education to special needs of Romani children. The Living History Forum, a government authority, carried out a number of lectures and seminars on the situation of the Roma and highlighted their suffering in the Holocaust.

Indigenous People.—Sami numbered between 17 and 20 thousand. In March 2004 the UN Committee on the Elimination of All Forms of Racial Discrimination criticized the government for its failure to address problems related to Sami rights to land. In May 2004 an EU human rights report reiterated the main points of the UN committee's findings and criticized the government for not having resolved problems surrounding the Sami rights to both land and water. From 2002 to 2004, the government conducted a national campaign to increase public knowledge about Sami culture. In August the government opened a permanent, national Sami Information Center. Longstanding tensions between private landowners and Sami reindeer herders persisted. Courts in 2004 and during the year ruled that Sami must compensate private landowners for use of their land for winter pastures.

The Sami parliament acted as an advisory body to the government.

Other Societal Abuses and Discrimination.—Societal violence and discrimination against homosexuals was a problem. In 2004 police received reports of 614 crimes with homophobic motive, a 117 percent increase from 2003. The NGO EXPO stated that the trend of increasing violence against homosexuals is continuing, but police authorities noted that the significant statistical increase for 2004 reflected in large part a change in reporting methodologies. The ombudsman against discrimination because of sexual orientation reported 87 cases during the year, up from 48 cases in 2004, but below the 137 cases reported in 2003.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers to form and join unions of their choice, without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 80 percent of the workforce was unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, and workers exercised this right in practice. Approximately 80 percent of the workforce was under collective bargaining agreements. The law provides for the right to strike, as well as for employers to organize and to conduct lockouts; workers and employers exercised these rights in practice. Public-sector employees also enjoy the right to strike, subject to limitations protecting the public's immediate health and security. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law and policies protect children from exploitation in the workplace, including policies regarding acceptable working conditions, and the government effectively implemented these laws and policies in practice. The law permits full-time employment at age 16 under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. Children as young as 13 years may work part-time or in "light" work with parental permission. Union representatives, police, and public prosecutors effectively enforced these restrictions.

e. Acceptable Conditions of Work.—There is no national minimum wage law. Wages were set by collective bargaining contracts every year. Nonunion establishments generally observe these contracts. Substantial benefits (e.g., housing, childcare) provided by social welfare entitlement programs assured even the lowest-paid workers and their families a decent standard of living. Foreign companies employing workers from their country of origin at wage levels below minimums stipulated in domestic collective-bargaining contracts created frictions in the labor market. For example, in one case, Swedish workers blocked a work site in the city of Vaxholm because construction workers from Latvia, who had been contracted to build a school, did not have collective agreements with a Swedish union.

The legal standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. The maximum allowable overtime per year is two hundred hours. The law requires a minimum period of 36 consecutive hours of rest, preferably on weekends, during a period of 7 days. The law also provides employees with a minimum of five weeks' paid annual leave. The government effectively enforced these standards.

The work environment authority, a government-appointed board, issued occupational health and safety regulations; trained union stewards, safety ombudsmen, and government inspectors monitored them. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. These rules were effectively enforced. Work places were generally safe and healthy. In law and practice, workers could remove themselves from situations that endangered their health or safety without jeopardizing their future employment.

SWITZERLAND

Switzerland, with a population of 7.3 million, is a constitutional democracy with a federal structure. The parliament was elected in free and fair elections in October 2003, allowing the government to remain a coalition of the four major parties. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- occasional excessive police force, used particularly against minorities and asylum seekers
- lengthy pretrial detention
- anti-Muslim and anti-Semitic incidents
- violence against women

- trafficking in women
- discrimination against minorities

RESPECT FOR HUMAN RIGHTS

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

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

There were no new developments in the 2004 killing by police of a 38-year-old Sri Lankan citizen in Lausanne.

During the year the district attorney's investigation into the 2004 death of a 40-year-old Italian national concluded that the injuries incurred during the arrest were not sufficient to cause death.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports of occasional use of excessive force by police authorities.

In October the cantonal government in Tessin suspended two policemen accused of robbing and verbally abusing several asylum-seekers. The cantonal prosecutor charged the two police officers of misusing their functions, theft, and breaching the antiracism law. A 2004 Amnesty International (AI) report highlighted several instances of police mistreatment of detainees, particularly foreigners, citizens of foreign origin, and asylum seekers.

In April the Federal Tribunal rejected a complaint lodged by a woman whose leg was severely burned by a police stun grenade during protests in Lausanne in June 2003. The court maintained that it was impossible to identify the police officer involved, since there were approximately 190 officers in the area.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, prison overcrowding was a problem, particularly in the Cantons of Geneva, Zurich, and Bern. In some cantonal prisons, the size of the cells fell below the 130 square feet standard set by the European Convention on Human Rights.

The government permitted access by independent local and international human rights groups to prisons. In June the Council of Europe's Commissioner for Human Rights, in a report on a fact-finding mission of the end of 2004, expressed concern about overcrowding and other shortcomings at inspected detention facilities and called on local authorities to take appropriate action to resolve the problems.

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 cantons are responsible for handling most criminal matters, and procedures vary. The federal police office has a coordinating role but relies on the cantons for actual law enforcement. The federal attorney general in Bern oversees intercantonal and international crimes. Corruption and impunity were not problems. Judges and prosecutors are independent but generally are under administrative command of the cantonal security department and the Federal Department of Justice and Police. Police were generally effective. Both internal affairs bureaus and courts generally functioned effectively to investigate possible police abuses. Police training is cantonal responsibility but some police training took place nationally in connection with nongovernmental organizations (NGOs).

Arrest and Detention.—Persons were generally apprehended openly with warrants issued by a duly authorized official unless there is a specific and immediate danger to which the police must respond without waiting for a warrant. In general a suspect may not be held longer than 24 hours before being presented to a prosecutor (or investigating magistrate) who must bring formal charges or order release; however, asylum seekers and foreigners without valid documents may be held up to 96 hours without an arrest warrant.

There is a functioning bail system, and release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney before charges are made. In 2004 the federal penal court in Bellinzona affirmed that suspects detained under federal law were not entitled to legal representation during the first preliminary hearing with the federal police. Legal counseling is allowed at a later stage when the suspects meet the investigative magistrate. The state provides free legal assistance for indigents who may be detained pending trial. Access to family members could be

restricted to prevent tampering with evidence, but law enforcement authorities are obligated to inform close relatives of the detention promptly.

AI and refugee NGOs complained that detained asylum seekers were often effectively denied proper legal representation because they lacked the financial means to obtain an attorney and, unless they are held for serious criminal offenses, the law does not provide for free legal assistance (see section 2.d.). The decision to deport an asylum seeker is an administrative procedure, as opposed to a criminal procedure where free legal assistance is provided. Rejected asylum seekers generally were not removed from the country but instructed to leave voluntarily, except in cases where the rejected asylum seeker was incarcerated for a petty crime.

There were no reports of political detainees.

Lengthy pretrial detention occurred. Although investigations generally were prompt, investigative pretrial detention could exceed the length of sentence. Any lengthy pretrial detention is subject to review by higher judicial authorities. During the year approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was 50 days.

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

Courts of first instance generally are local or cantonal courts. The federal penal court in Bellinzona is the court of first instance for criminal offenses that are under the jurisdiction of federal authorities to investigate and prosecute. Citizens have the right to appeal, ultimately to the Federal Tribunal (supreme court). Lower and appellate courts are local or cantonal and therefore both their administrative structures and procedures vary from canton to canton.

Trial Procedures.—Trials are generally expeditious and public. Trials involving minor offenses are generally heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury. Defendants have the right to be present and to consult with an attorney in a timely manner, and an attorney is provided at public expense if defendants face serious criminal charges. Defendants have the right to confront or question witnesses and to present witnesses or evidence. Defendants enjoy a presumption of innocence and have the right to appeal, ultimately to the Federal Tribunal. These rights were generally respected in practice.

The military penal code (MPC) requires that war crimes or violations of the Geneva Convention be prosecuted only if the defendant has close ties with the country. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case, ultimately to the military supreme court. In most cases the accused used defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counselor. Under military law the government pays for defense costs. Civilians can be tried in military courts if they reveal military secrets, such as classified military documents, or classified military locations and installations.

Political Prisoners.—There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The penal code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

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.

As in previous years, police in cities deployed large forces to control demonstrators protesting against the World Economic Forum (WEF) in Davos. Violent confrontations were for the most part avoided. During demonstrations in Bern and Basel on January 22 and 29, respectively, antiriot police made hundreds of identity checks and took scores of demonstrators into preventive custody. In June the Bern city assembly unanimously endorsed a report condemning police tactics and the large-scale police deployment as out of proportion to the security threat posed by demonstrators.

There were no developments in the lawsuit against police officers for allegedly using violence and mistreating anti-WEF demonstrators in January 2004.

In January a Vaud cantonal court declared that two policemen must stand trial for negligent bodily harm to a protester during a demonstration against the G-8 in June 2003. In order to block traffic, two protesters had tightened a rope across a highway bridge near Lausanne and tied themselves to either end of the rope dangling over the abyss. After a police officer cut the rope, a protester fell 60 feet and was seriously injured. The Vaud cantonal prosecutor had previously closed an investigation of the incident without filing charges on the grounds that protesters had put themselves in a situation of danger. A trial was not scheduled at year's end.

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

There is no official state church; however, most cantons financially support at least one of three traditional denominations—Roman Catholic, Old Catholic, or Protestant—with funds collected through taxation. Each of the 26 cantons has regulations regarding the relationship between church and state. Foreign missionaries must obtain a religious worker visa to work in the country. Such permits were generally granted routinely.

In 2004 the Federal Office of Migration (FOM) rejected the work permit applications for two Islamic clerics that the Islamic Center in Geneva had filed with local authorities, due to the leader's extremist views. On October 5, the justice ministry's appeals body upheld the FOM decision, thus setting a precedent of rejecting a work permit application for a Muslim imam on ideological grounds.

Resident Muslim organizations complained that it was nearly impossible to acquire zoning approval to build mosques or Muslim cemeteries, since this authority rested with individual counties and municipalities.

Some employers had restrictions on wearing headscarves in the workplace. For example, the second biggest retailer announced that its dress code did not provide for any headgear and that it would not allow the wearing of the Islamic headscarf.

Religious education was taught in most public cantonal schools, except in Geneva and Neuchâtel. Classes in Roman Catholic and Protestant doctrine were normally offered, but some schools covered other religious groups living in the country. A number of cantons now complement or entirely supplant traditional classes in Christian doctrine with nonconfessional teachings about religion and culture.

Societal Abuses and Discrimination.—The Federal Commission against Racism observed that the climate against members of religious minorities and their institutions has deteriorated. Although physical violence was rare, most anti-Semitic and anti-Muslim remarks were largely fueled by extensive media reports over the Israeli-Palestinian conflict, the Holocaust Assets issue, and terrorist acts by Muslim extremists in foreign countries.

The Jewish population amounts to 0.24 percent of the country's population, or 17,900 persons. There were numerous anti-Semitic incidents during the year.

During the night of March 13, there were two arson attacks in the city of Lugano in the southern canton of Ticino against the synagogue and a clothing store owned by a Jewish family. No one was hurt in either incident. In November a Ticino court sentenced a 58-year-old resident Italian national with a mental condition, who confessed to the attacks, to 2 years in prison. The sentence is expected to be suspended for psychiatric treatment. On the night of April 16, vandals spray-painted anti-Semitic graffiti on the walls and on a Holocaust memorial near the Grand Synagogue in Geneva. In May unknown vandals desecrated a dozen tombs of the cemetery of the Jewish community of Vevey-Montreux.

In April 2004 the Zürich lawyer and honorary chairman of the Jewish religious community, Sigi Feigel, sued the political party Europa Partei Schweiz and claimed that it sponsored newspaper advertisements comparing Israel with Nazi Germany. The case remained pending before the cantonal prosecutor at year's end.

On January 27, schools across the country held a day of remembrance for victims of the Holocaust. Education authorities said the aim was to remember the Holocaust and other forms of genocide committed in the past century and raise awareness of inhumane ideologies.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

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

gees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum to 4,856 persons during the year.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 24,453 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The FOM used a list of approximately 40 “safe countries” from which it will not accept refugee requests. NGOs criticized the list as arbitrary because the government did not publicly justify the listings and because they believe human rights records and the political situation in some of these countries was not sufficiently stable.

The FOM may refuse to process the application of an asylum seeker who is unable to justify a lack of identity papers. In such cases, the rejected applicant must submit an appeal within five working days to stay deportation proceedings. NGOs contended that such a short time period did not constitute an effective remedy and therefore violated the European Convention on Human Rights.

The UN Committee against Torture (UNCAT), the Council of Europe (COE), and NGOs criticized recent asylum policy developments. In May reviewing the country’s compliance with the UN Convention on Torture, UNCAT expressed concern over standing and planned legal provisions on the use of force during deportations. In June the COE’s commissioner for human rights criticized the more stringent measures effective since April 2004, allowing for the immediate rejection of asylum applicants lacking proper identity papers and shortening the appeals period against such a decision. The commissioner also expressed concern about expedited repatriation procedures at airports leading to the rejection of people before they can submit an asylum request as well as new measures proposed under the ongoing revision of the asylum law. In August the Swiss Refugee Council (SRC) expressed disappointment that many asylum seekers had been unfairly excluded from the screening process and reiterated some of the COE’s findings on an alleged lack of access to legal representation for rejected asylum applicants. The SRC also criticized some cantons and communities for being reluctant to disburse minimum assistance, claiming that asylum seekers were not always informed of their entitlement to public aid. The SRC urged the government to soften the current asylum law revision and reverse its decision to shorten the appeal period from 30 to 5 working days.

According to media reports, on February 23, police forcibly deported a 19-year-old Kurd to his native Syria, where he was immediately detained for 2 months and subsequently found hanged in his hometown shortly after his release from prison. Kurdish online news sources alleged that he was tortured in detention and that the physical and psychological injuries led him to commit suicide.

NGOs reported that police used excessive force against asylum seekers (see section 1.c.).

On June 10, the Federal Tribunal criticized the detention conditions of a rejected asylum applicant in Trogen in the canton of Appenzell Ausserrhoden. The court deemed the low standards of the Trogen prison facility unacceptable and reminded local authorities that detained asylum seekers were entitled to social contacts with other foreigners awaiting repatriation. The court ordered local authorities to correct the situation within one week’s time or release the rejected asylum applicant.

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

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

Elections and Political Participation.—In October 2003, in a fair and free election, citizens chose a new federal parliament.

There were 65 women in the 246-seat federal parliament and 1 woman in the 7-seat federal cabinet. In recent years at the cantonal level, the proportion of female representatives in legislatures has remained steady at approximately 24 percent. Women held approximately one-fifth of the seats in cantonal executive bodies.

There were 57 French-speaking and 10 Italian-speaking members in the federal parliament. There were 3 French-speaking members in the federal cabinet. There were no known ethnic minorities in the government.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year.

Government information was available freely to all persons living in the country, including foreign media. There is no specific transparency law, but the constitution requires that the government inform the public on its activities. In December 2004 parliament adopted a new transparency law providing for public access to government documents, but the law had not been implemented by year's end.

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

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

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively, although some laws discriminate against women. Violence against women and children, trafficking in persons, and discrimination against minorities were problems.

Women.—Violence against women was a problem. The law prohibits domestic violence but does not differentiate between acts committed against men and women. A study released in 2004 claimed that polls showed 10 percent of women suffered from physical violence in the previous 12 months, and a 2003 survey showed that 1 in 4 women age 20 to 60 suffered some form of domestic violence at least once in their lifetime. In its 2004 annual report, AI estimated that approximately 40 women died every year in the country as a result of violence suffered at home. According to a 2003 survey, only 30 percent of instances of physical violence and 6 percent of sexual abuse cases are being reported to the police. Authorities prosecuted approximately 38 percent of reported cases of domestic violence, and 70.8 percent of those were convicted and fined on average \$4,282 (5,372 Swiss francs). Police made 496 arrests and fined 955 persons for domestic violence during the year. Data from Zurich canton indicated that reported instances of domestic violence increased from 858 in 2003 to 1,248 in 2004, of which 453 were committed by repeat offenders. Penalties varied with the gravity of crime.

Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government and NGO agencies, or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. There were 820 women and 838 children spending a total of 46,523 nights in 17 women's shelters across the country during 2004, but the shelter's operators estimated that nearly as many were denied access due to a lack of space and limited funding. There is a special unit dealing with domestic violence in the interior ministry's Federal Office for the Equality between Women and Men. The Crime Prevention Center, a planning unit of the umbrella organization of cantonal police forces, has established a checklist for police interventions and most cantonal police forces had specially trained domestic violence units. A majority of cantons also had special administrative units coordinating between law enforcement, prosecutorial, and victim assistance bodies.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. In 2003 there were 547 recorded instances of rape, 405 prosecutions, and 77 convictions. Prosecuting spousal abuse is a cantonal responsibility, and statistical evidence was inconsistent.

Although female genital mutilation (FGM) is illegal, there were reports that the practice occurred. According to the UN Children's Fund (UNICEF) and the Bern University, there were approximately six thousand women and young girls believed to be at risk from FGM.

The Lausanne-based NGO Terre des Hommes estimated that about 50 percent of Muslim women in the country did not freely choose their husband. This trend was particularly evident among immigrants.

Prostitution is legal; however, street prostitution is illegal, except in certain areas in every major city specifically designated by local authorities. Police figures indicated that approximately 14 thousand prostitutes worked in the country.

Trafficking in women was a problem (see section 5, Trafficking).

Sexual harassment is illegal. The law includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment in the workplace. Sexual harassment in the workplace occurred infrequently. Sexual harassers face a fine or a prison sentence up to 10 years. Employers failing to implement the law face a maximum fine of \$32 thousand

(40 thousand Swiss francs) or a 6-month prison sentence. Sexual harassment victims are protected against retaliatory dismissals.

Under the law women generally enjoy the same rights as men; however, some laws continued to discriminate against women. The Federal Tribunal ruled that the primary wage earner in a divorce must be left with sufficient income to remain above the poverty level. Since the man generally was the primary wage earner in most marriages and the income was too low to support both parties, usually the wife (and children) was forced to survive on public assistance.

In December 2004 the FOM at first rejected an appeal from a Brazilian woman and her son who faced deportation by Geneva authorities. Their annual residency permits could not be renewed because the Swiss husband had died of a stroke in 2003, four years after their marriage. The FOM ultimately reversed its decision following intense lobbying from the woman's employer.

Women frequently did not occupy jobs with significant responsibilities, and women's professional stature overall was lower than men's. Women also were promoted less frequently than men, and employers were less likely to pay women for training. According to a 2004 government study, women's gross salaries were on average 21 percent lower than men's.

According to a study published during the year, women held only 15 percent of management positions in 2000. Women were more likely to be unemployed than men, especially working mothers with children under the age of 15. The unemployment rate for mothers with children under the age of 6 is approximately 9 percent—four times higher than the rate for men.

The Federal Office for Equality between Women and Men (EBG) and the Federal Commission on Women worked to eliminate all forms of direct and indirect gender discrimination. Many cantons and some large cities have equality services mandated to handle gender issues. More than half of the cantons have an office in charge of promoting equality.

Children.—The government has no special programs for children, and there is no special governmental office for children's matters; however, the government was strongly committed to children's rights and welfare. It amply funded a system of public education and need-based subsidies of health insurance.

Education was free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offered a 10th school year. Almost all children attended school. Almost 60 percent completed professional vocational or technical training with another 30 percent continuing to earn higher-level specialized or university degrees.

The government provided need-based subsidies for mandatory but private health insurance.

Child abuse was common. A study published in January by the Fribourg University estimated 13 thousand children under the age of 30 months had been slapped by their parents, 18 thousand had their hair pulled by their parents, and about 17,000 had been struck with objects by their parents. According to a study by UNICEF, one-fifth of girls and one-tenth of boys in the country were subjected to sexual abuse.

On February 10, police announced they were investigating 109 citizens as part of a worldwide operation targeting Internet child pornography. Nineteen cantons, as well as the cities of Bern and Zurich, took part in the operation. Under the law the production, possession, distribution, or downloading from the Internet of hardcore pornography involving children carries heavy fines or a maximum sentence of a year in prison.

FGM was performed in some cases on girls (see section 5, Women).

Trafficking in Persons.—The law prohibits sexual exploitation and trafficking in persons; however, some women were trafficked into the country and forced into prostitution or domestic servitude.

Trafficking in persons can carry a prison sentence of up to 20 years and coercing a person into prostitution is punishable with up to 10 years in prison. In 2003 authorities convicted 12 persons for human trafficking and forced prostitution. The Coordination Unit against Trafficking in Persons and Smuggling of Migrants, which is tied to the Federal Office of Police, coordinates and monitors all antitrafficking efforts, including a federal interagency task force. Authorities were active in international law enforcement activities and took the lead in coordinating several international trafficking investigations.

Switzerland is primarily a country of destination, and secondarily transit, for women trafficked for the purposes of sexual exploitation and domestic servitude. Federal police estimated that between 1,500 and 3 thousand victims of human trafficking were in the country. According to authorities, most persons trafficked come

from Central Europe (Hungary, Slovakia, and Romania), the former Soviet Union (Ukraine and Moldova), Lithuania, Latin America (Brazil and the Dominican Republic), Southeast Asia (Thailand and Cambodia), and, to a lesser extent, Africa.

Trafficking into the country is primarily performed by individuals and small groups related through ethnic, clan, or family ties, as well as, occasionally, organized criminals. Traffickers often forced victims into prostitution and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, and incarcerated them. Many victims were forced to work in salons or clubs to pay for travel expenses and forged documents and found themselves dependent on the traffickers. Generally the victims were unable to read, write, or speak the country's languages and were afraid to seek help from the authorities.

Under federal guidelines cantonal authorities must grant trafficking victims a 30-day minimum stay of deportation. They may provide victims willing to cooperate with judicial authorities stays of deportation up to three months, or short-term residency permits. The law entitles trafficking victims to secure shelter as well as medical, psychological, social, and legal assistance, regardless of their residency status. During 2003 64 trafficking victims received assistance from publicly funded victim assistance centers. The government continued to partially fund Zurich's leading antitrafficking NGO. Zurich formalized its victim referral mechanism in a letter of intent between the NGO and local law enforcement officials.

The government funded several antitrafficking information and education campaigns around the world. The Ministry of Foreign Affairs provided specialized training to its consular staff and distributed trafficking awareness information to visa applicants in local languages.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and it was generally enforced. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice. According to the NGO Equality Handicap, most complaints of discrimination concerned labor issues, education, and access to public buildings.

National/Racial/Ethnic Minorities.—According to the federal police, the number of public incidents involving right-wing skinheads, such as arson attacks, assaults, and hate concerts, varied from 117 incidents in 2002, 101 in 2003, and 111 in 2004. Police noted that acts of violence were mostly committed by youths and were more frequently directed against persons rather than property. Police estimated that after a significant increase at the end of the 1990s, the number of right-wing extremists leveled off at approximately 1,000.

There were a few reported cases during the year of violent confrontations between skinheads and young foreigners. According to statistics gathered by the Foundation against Racism and Anti-Semitism, there were 89 reported incidents directed against ethnic minorities during the year. These figures included verbal and written attacks, which were much more common than physical assaults. Investigations of such attacks generally were conducted effectively and led, in most cases, to the arrest of those responsible.

In mid-July four leading members, including the president of the extreme right-wing Party of Nationally Orientated Swiss (PNOS), were found guilty of racial discrimination by a district court in canton Aarau and had to pay fines between \$240 and \$400 (300 to 500 Swiss francs). The court found that the defendants had publicly disseminated an ideology aimed at belittling or slandering people of certain races, religions, or ethnic origins. PNOS had earlier been the subject of public controversy after two of its members were elected to serve in county-level political office in Bern and Solothurn canton respectively.

The Department of the Interior's Federal Service for the Combating of Racism (FSCR) sponsored a variety of educational and awareness-building projects to combat racism, xenophobia, and anti-Semitism. In addition FSCR has helped finance the establishment of new local consultation centers to assist victims of racial or religious discrimination; approximately 130 such consultation centers or contact points existed in the country.

In June the government brought up for public consultation a draft report on the situation of traveling Jenish in the country. The government rejected ratification of the International Labor Organization's (ILO) Convention 169 on Indigenous and Tribal Peoples but acknowledged that the number of permanent and transit stopping places for travelers was insufficient. The final report on the situation of traveling Jenish was expected in 2006.

Section 6. Worker Rights

a. The Right of Association.—The law allows all workers, including foreigners, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 25 percent of the work force was unionized.

In 2003 the Swiss Trade Union Council (STUC) filed a complaint with the ILO arguing that legal provisions for abusive dismissals did not sufficiently protect activists from antiunion discrimination and were thus not in keeping with the relevant ILO convention that the country ratified. The law provides for a maximum compensation of six months' worth of wages but not for reinstatement. In March 2004 the government asked the ILO to dismiss the STUC complaint since its legislation was fully compliant. However, in November 2004 the ILO concluded that the government did not clearly reject the STUC allegation and called on the government, together with the employers' and workers' organizations, to examine the present situation in law and in practice regarding protection against antiunion dismissals.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the freedom to bargain collectively, and workers exercised this right freely. Approximately 50 percent of the work force was covered by such agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. The government is allowed to curtail the right to strike of federal public servants only for reasons of national security or safeguarding foreign policy interests, but public servants were denied the right to strike in some cantons and many communes. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws and policies to protect children from exploitation in the workplace.

The minimum age for the full-time employment is 15 years. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 was regulated strictly; they were not allowed to work at night, on Sundays, or in hazardous or dangerous conditions.

The economic ministry (SECO) monitors the implementation of child labor laws and policies but actual enforcement is the responsibility of the cantonal labor inspectorates; government officials inspected companies that violated the law.

e. Acceptable Conditions of Work.—There was no national minimum wage, which resulted in low wage structures for unskilled and service industry workers; however, a majority of the voluntary collective labor agreements contained clauses on minimum compensation, which provided a decent standard of living for a worker and family.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half-day per week. Pay for overtime was required to be at least 25 percent higher and overtime generally was restricted to 2 hours per day. Annual overtime is limited by law to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week. The government effectively enforced these regulations.

The law contains extensive regulations to protect worker health and safety. SECO and cantonal labor inspectorates effectively enforced the law. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and the authorities effectively enforced this right.

TAJIKISTAN

Tajikistan is an authoritarian state; political life is dominated by President Emomali Rahmonov and an inner circle of loyal supporters. The country's population is approximately 7.1 million. The country has a constitution and a functioning multiparty political system, but in practice democratic progress was slow. The February parliamentary elections did not meet international standards; however, they were a step forward, and some opposition candidates won seats. After several years

of improvement since the end of the 1992–97 civil war, stability throughout the country was consolidated.

The government's human rights record remained poor and corruption continued to hamper democratic and social reform. The following human rights problems were reported:

- restricted right of citizens to change their government
- torture and abuse of detainees and other persons by security forces
- threats, extortion, and abuse of civilians by security forces
- impunity of security forces
- lengthy pretrial detention
- lack of access to prisoners by family members and lawyers
- confessions obtained by torture accepted as evidence in trials
- harsh and life-threatening prison conditions
- restricted international monitor access to prisons
- extralegal extradition of prisoners from third countries with apparent Tajik complicity
- restricted freedom of speech and the press
- restrictions on freedom of religion, primarily for women
- registration denial of opposition political parties
- imprisonment of political opposition, including journalists
- harassment of international nongovernmental organizations (NGOs); difficulties with registration and visas
- violence and discrimination against women
- trafficking in persons
- child labor and forced labor

The government made significant efforts in combating trafficking in persons. During the year the government engaged in international cooperation to repatriate a large number of victims back to the country, and it reported a dramatic increase in the number of trafficking convictions.

RESPECT FOR HUMAN RIGHTS

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

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

Land mine deaths occurred on the border with Uzbekistan; there were a reported 80 deaths including both civilians and border guards. The government continued to work with international organizations during the year to remove land mines along the border with Uzbekistan and with Afghanistan to prevent deaths and casualties.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, government security officials reportedly employed them.

Torture occurred during the year. Security officials, particularly from the Ministry of Interior (MOI), continued to use systematic beatings, sexual abuse, and electric shock to extort confessions during interrogations. During the year several alleged members of Hizb Ut-Tahrir (HT), an extremist Islamist political organization, and members of their families claimed they were tortured and beaten while in police custody (see sections 1.d. and 2.b.).

Beatings and mistreatment were also common in pretrial detention facilities, and the government took minimal action against those responsible for the abuses (see Section 1.d.). Yoribek Ibrohimov “Shaykh” and Muhammadruzi Iskandarov both stated police beat them and subjected them to electric shocks while they were in custody. The International Committee of the Red Cross (ICRC) monitors were unable to investigate claims of torture against them and their associates and the government did not launch an official investigation.

Citizens in the southern regions of the country made numerous complaints of harassment and abuse committed by border guards involved in drug trafficking.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening. Prisons were generally overcrowded and unsanitary. Disease, particularly the spread of tuberculosis, and hunger were serious problems. There were reports that up to 160 prisoners died of hunger.

A separate prison held only former members of so-called “power ministries,” such as the police, intelligence and secret officers, and the military. Conditions in such prisons were better than in normal prisons.

In August prisoners of the Qurghon-Teppa prison staged a protest—and some prisoners attempted suicide—in reaction to the appointment of Izzatullo Sharipov as deputy minister of justice in charge of the penitentiary system. Sharipov reportedly was close to the president and ruthless in his relations with others.

The government denied the ICRC free and unhindered access to prisons controlled by the Ministry of Justice (MOJ), including pretrial detention centers. At year’s end the ICRC continued to negotiate with the MOJ to regain free and unhindered access to all prisons. The MOJ granted foreign diplomatic missions limited access to prisons and detention facilities. A select group of local NGOs were also granted limited access to facilities in order to implement their assistance programs.

d. Arbitrary Arrest or Detention.—Arbitrary arrest and detention remained serious problems. The law allows for lengthy pretrial detention, and there were few checks on the power of prosecutors and police to make arrests.

Role of the Police and Security Apparatus.—The Ministries of Interior, Security, and Defense shared responsibility for internal security. The MOI is primarily responsible for public order and controls the police force, the Ministry of Security (MOS) has responsibility for intelligence, and the Ministry of Defense (MOD) is responsible for military security. Officially the MOD is responsible for external security; however, it can be employed in serious domestic conflicts.

Impunity remained a serious problem, and officers who committed abuses were rarely prosecuted. The government acknowledged that police, army, and security forces were corrupt and that most abused citizens remained silent rather than risk retaliation by authorities. However, some abuses were brought to light and prosecuted. For example on June 19, military troops from the MOD in the Sughd Region were sentenced for abuse of authority and nine additional violations of the criminal code. Victims of police abuse may submit a formal complaint in writing to the officer’s superior. Victims who bring their case to the media have greater success of seeking justice than those who do not.

Officers often bribe their commanders for promotion. Traffic police stop cars and unofficially fine them for traffic violations and then pocket the fines themselves.

Arrest and Detention.—Police may detain persons without a warrant for up to 72 hours. Prosecutors are empowered to detain persons for 10 days, after which charges must be filed. This was generally followed in practice. Detainees are given access to an attorney; however, government-appointed attorneys generally serve the interests of the government. If a detained person does not demand access to an attorney, government officials often overlook this right. There is no requirement for judicial approval or a preliminary judicial hearing on the charge or detention. There is no bail system, although criminal case detainees may be conditionally released and restricted to their place of residence pending trial; those on conditional release sign a “promise letter” that they will not leave an area around their residence. According to the law family members are allowed access to prisoners only after indictment. Officials occasionally denied attorneys and family member’s access to detainees. Many detainees were held incommunicado for long periods of time and remained in police custody without being formally charged.

In some cases security officers, principally from the MOI and the MOS, did not obtain arrest warrants and did not bring charges within the time specified by the law. Persons released from detention often claimed they were mistreated, beaten, and tortured (see section 1.c.).

The government always provided a reason for arresting people, although in some cases authorities falsified reasons for arrest or inflated minor problems to make politically motivated arrests. Police authorities have arrested innocent people, accused them of committing crimes the police were attempting to solve, and subsequently framed them in order to solve the case.

During the year authorities made politically motivated arrests, although there was no reliable estimate of the number of political detainees.

Muhammadruzi Iskandarov, head of the Democratic Party of Tajikistan and former chairman of Tajikgaz, was returned to the country in April after his December 2004 detention in Moscow, under circumstances that appeared to be an extrajudicial rendition; Iskandarov was charged with violating eight articles of the criminal code including: banditry, terrorism, illegal possession of weapons, having an unauthorized bodyguard, and embezzlement. At the request of the Tajikistan General Prosecutor’s Office, Russian authorities had taken Iskandarov into custody on an international arrest warrant, but found insufficient evidence to extradite him. On April 3, the Russian general prosecutor turned down an extradition request and

released Iskandarov. He was subsequently kidnapped by unknown forces and on April 26, the Tajik prosecutor general announced Iskandarov was in pretrial detention in Dushanbe. Iskandarov was denied immediate access to his family and an attorney (see section 1.e.). Iskandarov reported that he was tortured, injected with drugs, and electrocuted while in detention. He was sentenced to 23 years in prison. He is appealing to the Supreme Court. No date was set for the appeal trial by year's end.

There were reports that the government illegally detained other members of rival political factions.

According to media reports, approximately 99 members of HT were arrested. An unknown number were sentenced in connection with crimes related to their membership in the banned extremist political organization (see sections 1.c. and 2.b.).

Authorities arrested two Islamic Revival Party (IRPT) members after the parliamentary elections, alleging they were "rough" towards an election official. One IRPT member was released and the other, Saifiddin Fayzov, was charged with hooliganism, libel, incitement of ethnic and racial enmity, and premeditatedly causing damage to others, and was sentenced to four years in jail in November. Fayzov denied the charges and claimed they were politically motivated. The IRPT filed an appeal, but no progress was made by year's end.

Following indictment, the law allows for pretrial detention of up to 15 months. The first three months of detention are at the discretion of a local prosecutor; the next three months must be approved at the regional level. The prosecutor general must approve longer periods of detention, and the government generally followed this in practice. However, the government did not always follow pretrial procedures in practice if detainees were unaware of their rights.

Former drug control agency chairman, General Ghaffur Mirzoyev, was held in pretrial detention since August 2004 on charges including murder, illegal use of bodyguards, possession of arms, and privatization of government property and other illegal economic activities; observers believed the charges to have a political element, but most recognized Mirzoyev as a corrupt official with alleged narcotics connections.

International and local sources estimated that approximately three hundred former opposition fighters of the United Tajik Opposition remained in prison after the civil war despite two general amnesties in 1998; the government claimed these remaining fighters committed grave crimes during the war and considered them criminals. Cases of opposition fighters remaining in detention or prisons were reviewed in November 2004; controversy over which crimes the amnesties covered had delayed case resolution. Most fighters were determined to be appropriately jailed for grave crimes, while others were released.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the executive branch and criminal networks exerted pressure on courts and judges, and corruption and inefficiency were problems.

The president is empowered to appoint and dismiss judges and prosecutors with the consent of parliament. Judges at the local, regional, and national level were generally poorly trained and had extremely poor access to legal reference materials and other resources. Low wages for judges and prosecutors left them vulnerable to bribery, which remained a common practice.

The UN special rapporteur noted an imbalance between the power of prosecutors vis-à-vis lawyers and judges in the system. He found the prosecutors' ability to initiate investigations and prevent implementation of court decisions hampered objectivity and fairness of the process.

The judicial system is composed of city, district, regional, and national courts, and there are parallel economic and military court systems. Higher courts serve as appellate courts for lower ones. There also is a constitutional court that reviews citizens' claims of constitutional violations.

During the year the government took steps to improve the overall situation and address problems of judicial integrity by holding judges accountable and arresting some of the most corrupt judges and prosecutors. During the year three judges were convicted but not a single prosecutor.

Trial Procedures.—Trials are public and juries are used, except in cases involving national security or the protection of minors. While the law stipulates that a case must be brought before a judge within 28 days after it is entered for trial, most cases were delayed for months at a time (see section 1.d.). Under the law courts appoint attorneys at public expense; however, in practice arrested persons often were denied timely access to an attorney, and some were not allowed access to any legal counsel.

Prosecutors are responsible for conducting all investigations of alleged criminal conduct. According to the law both defendant and attorney have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and, in principle, all testimony is given equal consideration.

MOJ officials maintained that defendants benefit from the presumption of innocence, despite an unmodified Soviet-era statute that presumes guilt rather than innocence. In practice an indictment implied that the government was convinced of a suspect's guilt, and government officials routinely made public pretrial statements proclaiming a suspect's guilt. The law provides for the right to appeal; however, there were few successful appeals. Media reports stated that over half of cases were appealed, but only 10–15 percent were successful.

"Supervisor powers" provided for by law allow authorities to reopen and re-examine court cases, indefinitely in criminal cases, after the appeal period has expired; re-examinations are conducted by the court presidium. The general prosecutor and deputies are included among those who can protest a court decision under supervisory powers, thereby annulling the effect of the decision and forcing it to be re-examined by the presidium or at a higher court level.

The General Prosecutor's Office used such powers in an attempt to annul the supreme court's release of Jum'aboy Tolibov (see section 2.a.). After another hearing the court still ordered his release against the protest of the General Prosecutor's Office, and on December 16 authorities released Tolibov.

Prosecutors are legally allowed to intervene as a party in cases between private parties that do not involve the government, and the Office of the General Prosecutor has an entire department which supervises the court system to ensure that cases are "correctly decided." In practice however, there were no reported incidents of prosecutors exercising this right to intervene in purely private cases.

Courts routinely used confessions obtained through torture and beatings (see section 1.c.).

In rare instances military courts try civilians, who have the same rights as defendants in civilian courts, but there were no reports of such cases during the year. A military judge and two officers drawn from the service ranks hear such cases.

Political Prisoners.—There was little official information about the number of political prisoners.

On April 26, following a five-month closed trial, the supreme court announced former interior minister Yakub Salimov was sentenced to 15 years in prison for crimes against the state and high treason.

Rustam Fayziev, deputy chairman of the unregistered Party of Progress was sentenced June 28 to five years in jail for insulting and defaming President Rahmonov in a letter. Mukhtor Boqizoda, editor-in-chief of the independent newspaper Nerui Sukhan, was sentenced August 25 to two years of correctional labor. Nizomiddin Begmatov, Chairman of the SDPT in Rasulov District and Nasim Shukurov, member of the presidium of the SDPT in the same district, were sentenced in June to imprisonment for one and a half years respectively.

On October 6, the supreme court sentenced Iskandarov to 23 years in prison and as well as other penalties, including restitution of \$470 thousand (1.5 million somonis) allegedly embezzled from Tojikgaz, the country's state-run gas monopoly, during his time as head. While most observers believed allegations of corruption and embezzlement were well-founded, local observers, human rights activists, and the political opposition charged that Iskandarov's arrest, trial, and verdict were politically motivated to intimidate future political challengers.

In September Yoribek Ibrohimov "Shaykh" was sentenced to 24 years imprisonment for attacking a government office; authorities stated Iskandarov ordered the attack. Ibrohimov maintained his innocence and alleged that authorities tortured and beat him, resulting in a broken his leg (see section 1.c.).

IRPT officials Shamsiddin Shamsiddinov and Qosim Rakhimov, both sentenced in 2004 remained in prison. The IRPT alleged that their convictions were politically motivated to discredit the party and not an abuse of religious freedom. However, local and international observers said the two cases exemplified how the authorities can subject both members of Islamic groups and the political opposition to pressure.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions and while police forces committed some violations in practice, authorities generally respected the prohibitions.

Under the law police cannot enter and search a private home without the approval of a prosecutor, except in special circumstances in which a delay would impair national security. If police search a home without prior approval they must inform a prosecutor within 24 hours. In practice police frequently ignored these laws

and infringed on citizens' right to privacy. There is no independent judicial review of police searches conducted without permission.

The law prohibits the government from monitoring private communications; however, it is believed that they do in certain cases.

Family members of alleged HT members, an extremist Islamist political group, claimed that they were mistreated and beaten while in police custody (see sections 1.c., 1.d. and 2.b.).

Police and interior ministry officials often harassed the families of suspects in pre-trial detention or threatened to do so to elicit confessions (see section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however in practice, the government restricted these rights.

On occasion individuals who disagreed with government policies were subjected to intimidation and discouraged from speaking freely or critically. Government interference was particularly acute surrounding the February parliamentary elections. The government threatened to revoke licenses of businessmen who were critical of the government. Prior to the elections the government denied opposition parties television airtime and closed several newspapers perceived as opposition.

Of the 99 HT members detained during the year, the majority faced charges of publicly calling for the overthrow of the Tajik constitution and the dissemination of subversive literature.

The independent media were active but subjected to different means of government control and intimidation. During the year the government strengthened control over the media. According to international observers and media monitoring groups, the reversal was part of the government's effort to consolidate power and influence in advance of the scheduled 2006 presidential elections. The government has not issued new media licenses to independent organizations.

There were numerous print media outlets, private television stations, and radio stations in the country. There were also six government television stations. Of the 18 private television stations, only a handful were genuinely independent and not all of them operated uninterrupted. During the year the MOJ registered only one new newspaper publishing political material, *Millat (Nation)*, as well as the state newsletter *Nabzikhobar (Pulse of the East)*. In total eight new publications were registered, but the others focused on entertainment or other nonpolitical topics. All other applications to register newspapers were rejected, including the national newspaper *Imruz (Today)*. All major opposition newspapers had ceased to operate due to government pressure. The MOJ registered two new radio stations. In September a second national governmental TV station, Safina, began broadcasting. International media were allowed to operate freely, including rebroadcasts of Russian television and radio programs.

During the year international NGO Internews experienced registration problems which threatened the launching of five new community radio stations under its auspices (see section 4).

The government subsidized a large majority of publications and broadcast productions. Some of the independent stations had their own studio facilities and broadcast equipment, but most depended on government-owned transmission equipment to broadcast their programs; the government did not interfere with their broadcasts.

Independent radio and television stations continued to experience administrative harassment and bureaucratic delays. Individual journalists were also subjected to harassment and intimidation on occasion, sometimes perpetrated by government authorities. There were instances of violence against journalists by unidentified persons.

On July 28, Jum'aboy Tolibov, a member of Union of Journalists and a government official from the Ayni District of the Sughd Region, was sentenced for reporting shortages in his home district and criticizing local authorities, including the district prosecutor. The official charges against Tolibov were hooliganism, illegally entering a residence, and abusing his office as an administrator, although an expert group of the National Association of Independent Mass Media of Tajikistan (NAMSIT) concluded his detention to be directly related to his journalism. In 2004 he published commentaries criticizing local authorities. On October 11, the supreme court partially overturned Tolibov's conviction and ordered him released from prison, but the Dushanbe Prosecutor General's Office blocked his immediate release. The office may legally suspend implementation of a supreme court decision by filing a letter of appeal; an appeal was filed and the supreme court upheld the decision to release him. On December 16, prison authorities finally released Tolibov.

Mukhtor Boqizoda, editor in chief of independent newspaper *Nerui Sukhan* was sentenced to two years' labor for the illegal use of electricity (for use for his founda-

tion's printing house); such offenses ordinarily receive an administrative fine. Boqizoda's newspaper was known for criticizing government policy and the president. There was no progress in the case of Rajabi Mirzo, the editor-in-chief of *Ruzi Nav* who was beaten by unknown assailants near his home in July 2004 in Dushanbe.

Other types of harassment reported included trials to intimidate other journalists, "warnings" made by telephone and in person at a prosecutor's office or during visits to editorial offices, selective tax inspections, and close scrutiny of relatively independent publications and television and radio stations, such as by counting the number of copies compared to the declared circulation to make sure publications do not exceed the permitted number. Although this practice was mainly a tax issue, it was also used for political harassment.

The government controlled most printing presses, the supply of newsprint, and broadcasting transmission facilities; the MOJ received instructions not to register NGOs which have publishing activities in their charters. In January the government closed the private printing house Kayhon, which was publishing the independent newspaper *Nerui Sukhan*. *Nerui Sukhan* was among four popular independent newspapers (also *Adolat*, *Ruzi Nav* and *Odamu Olam*) that remained unpublished because state and private printing houses refused to print them. Both *Odamu Olam* and *Nerui Sukhan* printed their papers only once during the year. Other independent newspapers faced similar difficulties.

The government also restricted broadcast licenses. To obtain a broadcast license, individuals must apply to the Ministry of Communications and the State Television and Radio Committee. The government was rewriting broadcast licensing regulations with public debate and input by journalists, but the process was lengthy and licensing of new broadcast outlets generally remained suspended.

On the eve of the parliamentary elections the nongovernmental TV station Somoniyon in Dushanbe and Guli Bodom in Konibodom were closed. Guli Bodom resumed broadcasting after the elections but Somoniyon remained closed (the official explanation was unpaid debts).

Journalists reported that government officials limited their access to information or provided "advice" on what news should not be covered. Editors and reporters frequently exercised self-censorship to avoid problems with the authorities, and fearing reprisals and the kind of violence committed against journalists during the civil war. The NAMSIT annual reports articulated the primary problem facing media to be correspondents' limited access to information. In response the government mandated regular press conferences by ministries in which generally laudatory reports were presented and hard questions ignored.

Under the law a person can be imprisoned for up to five years for insulting the president. Rustam Fayziev, deputy chairman of the unregistered Party of Progress received this sentence for insulting the president (see section 1.e.).

Latif Vakhob, deputy director of *Nerui Sukhan*, was sentenced to one year forced labor and a fine for a 2004 article accusing a professor of bribery; this was a comparatively excessive penalty for libel.

Opposition politicians had very limited access to state-run television. The government allowed the opposition leaders limited airtime during the parliamentary election campaign in January and February, but after that, opposition politicians had no access to state TV and radio. The government blocked access to several Internet sites, including *TajikistanTimes.ru* which belongs to Dodojon Atoullouev, an opposition journalist based in Moscow.

The government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the government at times restricted this right in practice.

A permit from a local executive committee is required to organize any public assembly or demonstration; only registered organizations may apply for permits. Fear of reprisal was so widespread that unapproved public protests or political demonstrations were rare; the public was also wary of any action that could precipitate a return to the civil war violence.

Freedom of Association.—The law provides for freedom of association; however, the government sometimes restricted this right in practice. All NGOs must register with the MOJ. International NGOs, particularly ones supported by Western donors and involved in democracy-building activities face registration problems from the government. Officials cite technical application and legal problems and delay the process.

During the year, the government increased monitoring of the activities of religious institutions, as well as groups, to prevent them from becoming overtly political.

Some individuals, such as members of the banned extremist HT organization, were arrested and sentenced to long prison terms for subversion and other crimes. Others remained in detention awaiting trial or sentencing (see sections 1.c. and 1.d.).

The government's concern about Islamic fundamentalism among the country's Muslim population prompted it to ban HT in April 2004 for alleged links with terrorist organizations. The group had a following among the ethnic Uzbek population in the north and is growing in the south. The group promoted hate and praised acts of terrorism, although it maintained it is committed to nonviolence. HT's anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government called the caliphate.

According to the Prosecutor General's Office, the government filed 74 criminal proceedings against 99 HT activists. Approximately 40 were convicted on charges of active membership in the organization, failure to report criminal activity, distribution of extremist literature, inciting religious hatred, and seeking to disrupt constitutional order, and were sentenced to up to 12 years in prison. The rest were awaiting trial at year's end (see section 1.d.).

During the year several international NGOs faced registration problems and increased scrutiny (see section 4).

During the year the government refused to register political parties and associations that were considered to be opposition groups.

c. Freedom of Religion.—The law provides for freedom of religion; however, the government imposed some restrictions.

The country is a secular state, and the government did not explicitly ban, prohibit, or discourage specific religions from practicing their beliefs. Islam is the majority religion and the government promoted respect for traditional Islam; however, it viewed extremist Islamist groups as a threat to national security (see section 2.b.). The law requires all religious communities to be registered by the State Committee on Religious Affairs (CRA). The government maintained that registration helped to ensure that religious groups acted in accordance with the law; in practice, the provision was sometimes used to control political and religious activities.

In April the CRA banned activity of the sect Son Min in the Sughd Region for violations of their charter.

Six new central mosques were registered in six months. Mosques in Spitamen, Mastchoh, and Vahdat were closed because they failed to meet the law on religion and religious organizations.

In July CRA officials invited imams and other employees of mosques from all over the country to Dushanbe for "training." Local observers reported the government used the exercise as a means to improve the knowledge of the imams by teaching them the government's perceptions about various sects and new developments in Islam as well as the dangers of HT.

In contrast to previous years, there were no reports of arrests of high-profile Muslims.

A Korean Christian Church in Dushanbe experienced legal harassment from the Dushanbe Mayor's Office over a property dispute but was operating without complaint by year's end.

Missionaries of registered religious groups were not legally restricted and proselytized openly. The government's fear of Islamic extremism prompted it to restrict visas for Muslim missionaries. Local communities did not particularly welcome missionaries and harassed some religious groups in response to evangelical activities.

In February the courts sentenced a member of the radical Islamic group Bay'at to 24 years in prison for murdering a Christian missionary in 2004.

Some Mullahs spoke out against women attending mosques, despite support from some Islamic scholars and several mosques for them to attend. The government indicated that religious instruction should not take place at home, which could deprive many women of access to religious practice.

Some regional and local interior departments, mainly in the Sughd region, continued to refuse to issue internal identification documents to women who refused to be photographed without the *hijab* (headscarf). The SCRA intervened to allow those women to obtain documents when cases were brought to its attention. On October 19, the Ministry of Education banned *hijabs* in schools and institutions of higher education; officials cited the need to uphold secular education, although this provision is not the law. Many female students and teachers were expelled from schools for wearing *hijabs*.

Authorities at times restricted Muslim religious activities. For example, government printing houses are prohibited from publishing texts in Arabic and generally did not publish religious literature; however, they did so in special cases, including copies of the Koran in Arabic script. There were no restrictions on private Arabic

language schools, but restrictions on home-based Islamic instruction remained in place because of political concerns.

The CRA controlled and organized hajj participation by citizens. The CRA required hajj pilgrims to register with authorities and travel by air using the state-owned airline, citing hygiene and safety concerns regarding other means of travel. The CRA placed a quota of 3,500 Tajik hajjis.

Societal Abuses and Discrimination.—There were about 200 Jewish persons in the country. There were no reported anti-Semitic incidents.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, although the government imposed some restrictions.

During the year the government lifted restrictions on citizens traveling to the border districts. Foreigners are still prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. The restriction was not always enforced along the western part of the border with Afghanistan, although a special visa was required for travelers—including international workers and diplomats—to Gorno-Badakhshan. Diplomats and international aid workers could travel to the Afghanistan border region without prior authorization. Previously, the MOS had required 48-hour prior notice to travel to this area.

There are no laws that provide for exile and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia.

Persons wishing to emigrate to countries of the former Soviet Union must notify the MOI prior to their departure. Persons who wish to emigrate to other countries must obtain an immigrant visa to receive a passport, and persons who settle abroad are required to inform the Tajikistan embassy or Tajikistan interest section of the nearest Russian embassy or consulate.

Most persons who left the country were permitted to return freely. A few people active with the Tajik opposition who left during the civil war experienced administrative difficulty in obtaining new documents that would permit them to return. Those who were pardoned are permitted to return; high-level military officials were not pardoned. The government provided protection and modest assistance to resettle any citizens who returned voluntarily and cooperated with international organizations that helped fund assistance and resettlement programs.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. During the year however, the government's protection of refugees deteriorated in practice. The government no longer registered asylum seekers for national security concerns. During the year refusals to applicants for asylum or refugee status increased.

In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The government also provided some temporary protection to individuals who may not qualify as refugees under the 1951 convention and 1967 protocol. The government did not fully cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. UNHCR has been denied its observer status in the Refugee Status Determination Commission in April.

The government deported 17 refugees to Afghanistan, prompting UNHCR protest. The refugees were not given access to lawyers or the opportunity to appeal the decision, as provided for by law.

A group of mostly Afghan refugees remained in the country with no clear future. They were not fully integrated into society and UNHCR had not completed its prescreening for asylum in third countries. Police officers continued to mistreat and harass the country's Afghan refugees, who resided mainly in the capital and in Khujand. Although their treatment improved in some areas, many Afghan refugees claimed they were frequently harassed and intimidated into paying illegal registration fees, bribes, and other fines to police who falsely accused them of being affiliated with the Taliban. Despite legislation allowing Afghan refugees to resettle in the country and to obtain citizenship, to date no Afghan refugee has been granted citizenship. During the year the government summarily deported several Afghan refugees, ignoring UNHCR's protest for due process.

Afghan refugees were summarily deported without consultation with UNHCR, families were broken up, and the government was not responsive to UNHCR's protests. Iranian refugees have also been harassed in Tajikistan by Iranian officials.

Refugees currently in detention were denied the right to speak to a lawyer and the right to appeal a deportation decision within one week, as provided for by law.

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

The law provides citizens with the right to change their government peacefully; however, the government restricted this right in practice.

The country's political process made little progress in its transition from a Soviet-style system. The president, together with an inner circle of loyal supporters primarily from his home region of Kulob, continued to dominate the government and further consolidated his power. The president had broad authority to appoint and dismiss officials.

Elections and Political Participation.—The February parliamentary elections were an improvement but did not meet international standards and were not conducted fully in accordance with domestic law. Hundreds of violations were registered. Political parties, international organizations, foreign embassies, and NGOs complained of gross violations. International observer organizations criticized the elections, noting that election officials at the local level did a credible job, while district level officials manipulated results. The OSCE reported the government did not adequately implement improvements in the legislative and administrative framework, exercised excessive control during the campaign period, obstructed observers during the election, and that the actual voter turnout, while high, did not reach the 92 percent reported. Instances of individuals voting for family members, submitting multiple ballots, and voting without proper identification occurred. In some areas polling stations closed early. Government resources and media time were given to the ruling PDPT but to no other party. Courts of all levels ignored appeals brought against the electoral commissions and polling stations. However, Ayub Nematov, head of the Konibodom Chairman's Office was charged with interfering with the work of the electoral commission and forging voting documents.

The propresidential PDPT continued to control an overwhelming majority of seats in both houses of parliament (Majlisi Oli). The PDPT's majority status resulted in a legislative branch dominated by the executive branch.

Although six legally registered parties participated in February elections, four parties continued to be banned during the year: the Adolatkoh Party, the Party of Popular Unity, the Party of Political and Economic Reforms, and the Agrarian Party. At year's end, the MOJ still refused to register The Unity Party and the Progress Party of Tajikistan, though neither was banned explicitly. Of three new parties seeking registration, only the Party the Economic Reform of Tajikistan and Agrarian Party of Tajikistan were successful. The Party of Vahdat (Unity) was not registered due to technical registration difficulties, but the party asserted the delay was politically motivated. The law prohibits political parties from receiving support from religious institutions, but religiously affiliated parties, such as the IRPT can be registered. Several new parties applied for registration.

Opposition political parties, including unregistered ones, remained small, had limited popular support, and were kept under close scrutiny by the government. While they were generally able to operate, they had difficulty obtaining access to state-run media (see section 2.a.). The chairman of the Social Democratic Party of Tajikistan alleged the government systematically harassed its supporters. The government sometimes sidelined political opponents and potential rivals by bringing criminal charges against them. Though some of the charges are likely true, the appearance was that the court cases were politically motivated (see section 1.e.).

According to June 2004 amendments to the parliamentary election code, candidates must pay a registration fee of approximately \$500 (1,400 somoni), 200 times the minimum monthly wage, which could prevent opposition candidates from running in the election. The code also limited participation of civil society election observers.

There were 16 women (11 in the lower and 5 in the upper house) in the 96-seat parliament; 1 held a position as deputy chair and 2 were heads of committees in the lower house of parliament. Many women also served as deputy ministers in the government; one of the deputy prime ministers was a woman.

There were 3 members of minorities (2 Uzbeks and 1 Kyrgyz) in the 96-seat legislature. Ethnic Uzbeks were represented in the government, although not in direct policymaking roles.

Government Corruption and Transparency.—Corruption in the country was widespread and pervasive, particularly bribery and nepotism. The government acknowl-

edged the problem and took steps to combat corruption, including trying officials and judges for taking bribes.

Although the law requires government officials to provide information to journalists upon request, there was no legal provision for regular citizens' public access to government information. In practice the government did not permit free access to information and some officials disregarded the law concerning journalists, as there was no enforcement. In response to criticisms the government mandated regular press conferences by ministries in which generally laudatory reports were presented and hard questions ignored.

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

A growing number of domestic and international human rights groups faced government pressure and international NGOs engaged with democracy issues encountered registration problems. The government continued to request sensitive information from NGOs such as members' personal information, information about students affiliated with the organizations, activities, and financial status. The media increasingly slandered foreign NGOs in the press. Government officials were somewhat responsive to the views of human rights groups.

The government did not block the registration of local NGOs addressing human rights, and the number of domestic human rights organizations slightly increased during the year. According to the UNHCR there were over two thousand NGOs in the country focusing on a wide variety of issues, including child welfare, civil society, mass media, and health. At times authorities restricted freedom of assembly and association for organizations involved in political activities, and forming and registering an NGO with the MOJ remained cumbersome and bureaucratic. Otherwise local NGOs generally did not face systematic governmental harassment.

The government permitted some international NGOs to operate in the country. During the year the government denied the registration of several international NGOs working on democracy issues, including Freedom House, the National Democratic Institute, and Internews. NGOs were asked to reregister with the MOJ to implement a law passed three years ago; observers believed the provision was designed to restrict NGO activity.

The government's Office for Constitutional Guarantees of Citizens' Rights under the president continued its work of investigating and answering citizens' complaints. Staffing inadequacies and uneven cooperation from other government institutions hampered their effectiveness.

The parliament's committee on legislation and human rights also monitored human rights violations, but lacked full independence.

The government commission on fulfillment of international human rights is a centralized body that receives human rights complaints and coordinates a response. They delegate each complaint to local administration, and inform the General Prosecutor's Office, MOI and other relevant ministries. The body is operated at the deputy prime minister level and was somewhat effective.

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

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status. In practice there was discrimination against women and trafficking in persons was a problem.

Women.—Violence against women, including spousal abuse, remained a widespread problem. Most cases of domestic abuse went unreported and reported cases were seldom investigated. Cases of domestic abuse may be prosecuted under other laws, such as "hooliganism," and accurate statistics on the number of domestic violence cases were difficult to estimate. There continued to be reports, particularly in rural areas, about abductions of young women who were then raped or forced to marry their abductors.

The law prohibits rape (although not specifically spousal rape), which is punishable by up to 20 years' imprisonment. As with abuse incidents in general, it was widely believed that most cases were unreported and that the problem was growing, particularly in urban areas. In addition family members and acquaintances often used threats of rape to intimidate women. There were no official statistics on the number of rapists charged, prosecuted, or convicted.

A handful of domestic and international NGOs supported women's resource centers to assist rape and spousal abuse victims. Government funding for such centers was extremely limited, although it had a specific committee for women's and family affairs within the office of the president. NGOs and some government structures discussed violence against women in the framework of the government's reporting obligations for UN conventions.

Prostitution is illegal, though in practice, apprehended prostitutes were assessed a nominal fine and released. Pimps and madams were prosecuted regularly. Prostitution was a growing problem in the country. There are no official figures.

Trafficking of women for the purposes of sexual exploitation and forced labor was a serious problem (see section 5, Trafficking).

The law prohibits sexual harassment with penalties of up to two years. In practice however, women were often sexually harassed and had to perform sexual favors in order to get a job or maintain one.

Cases often went unreported because of the social stigma attached to victims. Due to traditional attitudes it was common for men to sexually harass and commit acts of violence against women. An Asian Development Bank study cited that 52 percent of women reported they have been sexually harassed.

While there was no formal discrimination against women, they faced traditional societal discrimination, diminishing educational opportunities, and increasing poverty. The law provides women with equal pay for equal work with men, but it was not always enforced in practice.

In August 2004 the country's highest Islamic body, the Chairmen of the Council of Islamic Scholars of Tajikistan, issued a *fatwa* that prohibited women from praying in mosques that do not have fully separate facilities for men and women. The government supported the *fatwa* but expressed concern over the separation of church and state. Local observers said the *fatwa* was discriminatory and a step backwards from gender equality.

The law protects women's rights in marriage and family matters; however, some minors were pressured to marry men against their will, and informal polygamy, although illegal, was reported. Inheritance laws do not discriminate against women although in practice some inheritances passed disproportionately to sons.

Children.—The government remained committed to children's rights and welfare, but it did not devote adequate financial resources to maintain the social security network for child welfare. Poverty and a lack of resources contributed to a deterioration of the public school system and the medical infrastructure available to children.

Education is compulsory until age 16 and public education was free and universal. The law was not enforced and, while most children were enrolled in school up to the mandatory secondary level, actual attendance was estimated to be lower because children supplemented family income by working in the home or in informal activities (see section 6.d.). Girls became increasingly disadvantaged, especially in rural school systems, where families elected to keep them home to help take care of siblings or work in the fields. Government statistics reported over 90 percent of children attend school, although this number reflected children who are registered at school and the World Bank estimated actual attendance was more likely around 85 percent.

With the decline of the country's underfunded public schools, a small number of poor male students were recruited and sent to Egypt, Turkey, and Pakistan to receive a free Islamic education.

Medical care is equally available to both boys and girls. The government acknowledged that malnutrition was a severe problem and worked with international humanitarian organizations and foreign governments to support school feeding programs. Action Against Hunger, a European-based NGO, estimated 30 percent of children suffer from chronic malnutrition, 17 percent from acute malnutrition, and 4.2 percent from severe malnutrition.

There were a few reports of violence against children.

Underage marriage was widespread in rural areas, a practice influenced by the high level of poverty and unemployment which compelled many families to marry off their daughters as soon as possible.

Trafficking continued to be a problem (see section 5, Trafficking).

Child labor continued to be a problem (see section 6.d.).

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons from and through the country was a problem. There were reports that government officials facilitated trafficking.

The law criminalizes trafficking in persons with penalties of imprisonment from 5 to 15 years and confiscation of personal property. Traffickers may also be prosecuted under laws prohibiting exploitation of prostitution, rape, kidnapping, buying, and selling of minors, document fraud, and immigration violations. The penalties for these offenses range from fines to imprisonment from 5 to 20 years.

According to the International Organization for Migration (IOM), during the year 93 cases of trafficking in persons were reported compared to 41 cases in 2004, 3 cases were related to trafficking of minors and newborns. The rest were mostly related to trafficking of women abroad for sexual exploitation. According to the MOI,

23 criminal groups involved in trafficking of persons were exposed during the year; 13 of them were revealed as the result of international cooperation. Specialized antitrafficking law enforcement units continued to investigate reported trafficking cases, with 81 trafficking cases launched and 58 people convicted during the year, a dramatic increase from 29 convictions in the previous year.

The Trafficking in Persons Investigative Unit, composed of five female investigators within the MOI, was responsible for combating kidnapping, trafficking in persons, and racketeering; the five officers in this year-old division were assigned to investigate trafficking cases. The division reported that there were at least 12 criminal rings in the country involved in trafficking young girls to Gulf countries. A high-level interagency commission focused on coordinating antitrafficking efforts and drafted the National Government Action Plan on People Trafficking for 2006–2010. The government generally worked openly and cooperatively with the international community and the IOM to combat trafficking.

On March 4, regional MOI officers detained Shavkat Pochokalonov, Muborak Hojaeva, Valikhodja Hojaev, and Yusuf Hojaev, all members of a criminal group who in 2002, in cooperation with Salomat Pochokalonova and Gufrona Pochokalonova, trafficked D. Oblokulova to Dubai and exploited her as a prostitute until 2003. From August to December 2002, the same group trafficked S. Kurbanova to Dubai for forced prostitution. On March 8, Muborak Khodjaeva and Salomat Pochokalonova were convicted of trafficking D. Kenjaeva to Dubai and exploiting her as a prostitute.

Several cases of trafficking in children were convicted during the year. Dushanbe MOI officers detained Guljakhon Sharipova, who in conspiracy with the Ministry of Emergency Situations nurse Tatyana Isroilova, sold her newborn son to H. Gulmurodova for \$40 (127 somonis). On March 4, Dushanbe MOI officers detained Saodat Murodova, an obstetrician at the Scientific Institute of Obstetrics, Gynecology, and Pediatrics, and Mainisso Narzulloeva, Director of the Diagnostic Polyclinic, for selling a baby girl, born at the maternity ward of Murodova's institute, to N. Nabieva for \$300 (954 somonis).

The country was a source and a transit point for trafficked persons, primarily women and girls; trafficking within the country was also a problem. Men and boys were reportedly trafficked and used for labor. Media reports estimated that over one thousand persons were victims of trafficking during the year. According to the MOI and information gathered from antitrafficking hot lines, victims came primarily from Khujand or Dushanbe and most were trafficked to Russia, former Soviet countries, the Persian Gulf states (including the United Arab Emirates, Yemen, Iran, and Saudi Arabia), Turkey, Syria, and Pakistan.

The majority of trafficking victims were female, single, and aged 20 to 26. Many were new arrivals to Dushanbe or Khujand from rural areas with little formal education. Child trafficking victims usually were in the care of extended family. Ethnic minorities were overrepresented among victims, particularly those of Slavic origin. Rural, uneducated, and abjectly poor communities were also particularly vulnerable.

Women and girls were trafficked from the country primarily for cheap domestic labor or sex work. Male trafficking victims were primarily used for labor abroad in agriculture, factories, or construction; some were held as slaves without pay.

Traffickers included former field commanders—so-called warlords—who rose to positions of power and wealth during the country's civil war. Others, including women, were powerful local figures who used their wealth to cultivate patron-client relationships throughout their community to create a trafficking network. Recruiters were also often individuals familiar to victims, such as neighbors, acquaintances, or relatives.

Victims commonly were recruited through false promises of employment. Advertisement of such work was conducted through social contacts; traffickers used their local status and prestige to help recruit victims. There also were cases of false wedding proposals and, on occasion, kidnappings in rural areas. Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among tourism agencies. They sometimes used forged documents to evade entry restrictions in destination countries. Victims commonly were not separated from their travel documents until arrival in the destination country. Debt bondage was a common form of control. There were also reports of male and female medical professionals trafficked from the country to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

According to official MOI data, at least 420 women from the country are involved in commercial sex work in former Soviet Union and Middle East countries, including over 250 in the United Arab Emirates. During the year government and IOM rep-

representatives traveled to Dubai to repatriate 49 women back to the country. Upon return they were provided with medical assistance, training, and other types of support.

Corruption was endemic in the country, and reports indicated that high- and low-level government authorities working in customs, border control, immigration, police, and tourism took bribes from traffickers. It was also believed that certain government figures acted as patrons or protectors of individuals who were directly involved in trafficking. There was no indication of widespread institutional involvement in trafficking by the government. During the year authorities prosecuted some low-level government officials.

Victims of prostitution and trafficking cannot be charged for crimes committed while they were victims.

Victims usually did not pursue legal action against traffickers due to the social stigma. According to an IOM survey, nearly half of trafficking victims who returned to the country were blackmailed by local officials (themselves extorted by traffickers) to change their story or face exposure as a victim.

There were few resources available to trafficking victims. The government officially provided security and assistance to trafficking victims and endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims. The government also cooperated with IOM to establish two temporary shelters for repatriated trafficking victims and at year's end was in the process of setting up a shelter for permanent use. The MOI, in cooperation with IOM, began constructing a safe house for trafficking victims in Khujand.

There were approximately 20 NGOs involved in antitrafficking activities throughout the country. Several provided various services to trafficking victims and carried out a wide range of information programs in conjunction with local authorities throughout the country. NGOs matched victims with social services, operated crisis centers, and maintained a hot line for trafficking and domestic abuse victims.

Local NGO programs worked with support from international organizations to increase awareness of trafficking; NGOs worked with local officials to conduct training and awareness seminars for the general public. The government did not directly fund any antitrafficking public service announcements, but it did promote such announcements as well as informational materials produced and distributed by local and international organizations. The government also cooperated with international organizations on prevention programs by holding joint seminars, conferences, and distributing antitrafficking brochures.

Persons with Disabilities.—The law does prohibit discrimination in employment, education, access to healthcare, and provision of other state services, and discrimination was not a problem. There is no law mandating access to buildings for persons with disabilities, and the government did not require employers to provide such access.

Although there were group-living and medical facilities for persons with disabilities, funding was limited and facilities were in poor condition.

The Ministry of Labor and Social Welfare, the government commission on fulfillment of international human rights, the Prosecutor General's Office, the Society of Invalids, and appropriate local and regional governmental structures were all charged with protecting the rights of persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions and they did so in practice.

According to official figures approximately 90 percent of the labor force was unionized. Most unions were affiliated with the Federation of Trade Unions of Tajikistan, an independent umbrella organization that attempted to represent all trade unions in the country. However, it was largely seen as ineffective and as an organization that generally supported government policies.

The law does not specifically prohibit antiunion discrimination. There were no reported incidents of antiunion discrimination in practice.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, except “in cases specified by law,” and the government protected this right in practice. The laws provide for the right to organize and bargain collectively, and workers exercised this right in practice. 90 percent of workers were under collective bargaining contracts (technically all workers belonging to unions were permitted to organize and bargain collectively). The law does not restrict the right to strike, but there were no strikes during the year. In practice people were reluctant to strike due to fears of government retaliation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children, except in cases defined in the law; however, there were reports that such practices occurred (see sections 5 and 6.d.).

Owners of privatized farms regularly compelled former state or collective farm workers to pick cotton. The government requested collective farm workers to participate in this labor, and although there were no official consequences for refusal, workers feared they would be expelled from their collective farms or that the government would destroy their land if they did not oblige. Although all state farms were privatized, some farmers chose to work in collective groups for financial reasons. Workers usually were neither paid nor provided the services they were once given under the former collective system for this labor, such as health care and education.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor remained a problem, and the government neither effectively enforced child labor laws nor strengthened existing regulations on acceptable working conditions for children.

The minimum age for children to work is 16, although children may work at age 15 with local trade union permission. By law children under the age of 18 may work no more than 6 hours a day and 36 hours per week. Children as young as seven may participate in household labor and agricultural work, which are separately classified as family assistance. Many children under 10 worked in bazaars or sold goods on the street.

Unions were responsible for reporting any violations in the employment of minors. Unresolved cases between unions and employers may be brought before the prosecutor general for investigation, who may charge the manager of the enterprise with violations of the law. Very few violations were reported as most children worked under the family assistance exception. Enforcement of child labor laws was the responsibility of the Prosecutor's Office, the MOJ, the Ministry of Social Welfare, the MOI, and appropriate local and regional governmental offices.

The illegal Soviet-era practice of closing secondary schools and universities at cotton harvest time and putting students to work continued. The IOM estimated that 40 percent of the country's cotton was picked by students, and according to World Bank statistics, as many as one in eight children worked full-time instead of attending school.

Trafficking of children occurred (see section 5).

The government does not have a comprehensive policy or national action plan to prevent or eliminate the worst forms of child labor.

e. Acceptable Conditions of Work.—The official national minimum monthly wage of \$3.90 (12 somoni) did not provide a decent standard of living for a worker and family. The wage is established by the president with the advice of the Ministry of Labor and in consultation with unions. There was no official estimate of the poverty income level, though the World Bank indicated that 64 percent of the population lived below the poverty line which they designated at \$1 per day (2.78 somoni). Some observers estimated that a minimum of \$25 dollars per month (80 somoni) was required to avoid abject poverty in the capital.

The government acknowledged the problem of low wages and provided certain subsidies for workers and their families at the minimum wage. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with enterprise-produced products, which employees either sold or bartered in local private markets.

The law provides for a standard workweek of 40 hours for adults over the age of 18. The law mandates overtime payment, with the first two hours paid at one and a half times the normal rate and the remainder at double the rate. Overtime payment was inconsistent in all sectors of the labor force. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of the Financial Control of the presidential administration oversees other aspects of the law.

Government-established occupational health and safety standards fell far below accepted international norms, and the government did not enforce them in practice.

The State Technical Supervision Committee under the council of ministers was responsible for enforcing health and safety standards. The law permits workers to remove themselves from hazardous conditions without risking loss of employment. This law was not enforced effectively, and few workers did so in practice.

TURKEY

Turkey, with a population of approximately 69.6 million, is a constitutional republic with a multiparty parliamentary system and a president with limited powers

elected by the single-chamber parliament, the Turkish Grand National Assembly. In the 2002 parliamentary elections, considered generally free and fair, the Justice and Development Party (AKP) won the majority of seats and formed a one-party government. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; although there were improvements in a number of areas, serious problems remained. The following human rights problems were reported:

- some restrictions on political activity
- unlawful killings
- torture, beatings, and other abuses of persons by security forces
- poor prison conditions
- arbitrary detention
- impunity and corruption
- lengthy pretrial detention
- excessively long trials
- restrictions on freedoms of speech, press, assembly, and association
- restrictions on religious freedom
- violence and discrimination against women
- child abuse
- child marriage
- trafficking in persons
- restrictions on worker's rights
- child labor

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, security forces killed a number of persons, particularly in the southeast and east, for allegedly failing to obey stop warnings. The Human Rights Foundation (HRF) estimated that security forces killed 52 persons between January and November, including in shootings by village guards and border patrols. HRF estimated security forces killed 48 persons in 2004.

The courts investigated most alleged unlawful killings by security forces; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare (see section 1.d.).

In February demonstrators in Mersin Province claimed police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the terrorist Kurdistan Workers Party (PKK). According to the Human Rights Association (HRA), there was no evidence that demonstrators used weapons during the altercation. Interior ministry inspectors determined that police did not shoot Gonultas. Prosecutors opened a case against nine members of the pro-Kurdish Democratic People's Party (DEHAP) for their role in a statement protesting the shooting. The DEHAP officials were charged with being members of an illegal organization; their trial was ongoing at year's end.

In June security forces allegedly killed Fahrettin Inan during a clash with mourners at a PKK funeral in Van Province. No one was charged by year's end.

In July army private Murat Polat died from wounds he suffered when he was allegedly beaten by fellow soldiers at Adana military prison. Polat was being detained for allegedly deserting his post and burglarizing a house. Prosecutors charged eight soldiers for their roles in Polat's death; the case continued at year's end.

In November, assailants threw a bomb into a store in Semdinli, Hakkari Province, killing Mehmet Zahir Korkmaz. Police arrested two Jandarma officials and a PKK informant following the incident. Police also arrested a third Jandarma official who fired on the crowd that gathered at the scene. Over the following days, demonstrators clashed with police in a number of violent protests against the alleged Jandarma role in the bombing; five protestors were killed and dozens injured in the disturbances. Authorities continued to investigate the bombing at year's end.

In July assailants killed Hikmet Fidan, a former DEHAP vice chairman, in Diyarbakir. Prosecutors investigating the murder maintained that PKK leaders ordered Fidan's murder because he had criticized the PKK. Trial proceedings against four suspects in the case continued at year's end.

Also in November, a Hakkari court acquitted 12 defendants, including former members of the security forces, who were charged with extrajudicial killings, bombings, extortion, and other crimes. The court convicted PKK informant Kahraman Bilgic and sentenced him to a prison term of eight years and four months in the case. The ruling was under appeal at year's end.

Police allegedly shot and killed a number of demonstrators (see section 2.b.).

At year's end there was no result in the DNA analysis of the remains of 11 persons discovered near the town of Kulp, Diyarbakir Province, in late 2004. Local residents said they believed the remains were those of 11 persons who disappeared after being detained by police in 1993.

The trial of four police officers charged with the November 2004 unlawful killing of Ahmet Kaymaz and his son Ugur was ongoing at year's end. The four defendants reportedly returned to duty and were assigned to different provinces.

Proceedings continued in the trial of three police officers charged in connection with the shooting of Siar Perincek in Adana in May 2004.

In October a Hakkari court convicted Jandarma official Murat Sener of using excessive force in the 2004 killing of Fevzi Can. The court sentenced Sener to a 16-month prison term but postponed the sentence. The ruling was under appeal at year's end.

According to the government, four persons died while in police custody through November: three deaths were recorded as suicides and one as a homicide. Authorities were investigating the deaths at year's end.

According to the HRF, landmines and unattended explosives killed 19 civilians and injured 49 during the year. Both security forces and the PKK used landmines.

According to the government, 34 civilians, 100 members of the security forces, and 160 terrorists were killed in armed clashes during the year through November. Most of the clashes occurred in the southeast.

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

The government continued to investigate and explain some reported disappearances. The Ministry of Interior operated the Bureau for the Investigation of Missing Persons, which was open 24 hours a day. According to the government, 12 persons were reported missing during the year due to suspected terrorist activities, and 2 missing persons were located alive.

In August the European Court of Human Rights (ECHR) ruled against the country in a case involving the 2001 disappearance of DEHAP officials Serdar Tanis and Ebubekir Deniz. The ECHR determined that the government was responsible for the disappearance and had failed to conduct an effective investigation. The court ordered the government to pay compensation to the families in the case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, members of the security forces continued to torture, beat, and otherwise abuse persons regularly.

Incidents of torture and abuse declined during the year but remained widespread. Courts rarely convicted security officials accused of torture and tended to issue light sentences when they did convict (see section 1.d.). According to the HRF, there were 657 credible cases of torture or abuse reported at its 5 national treatment centers through November. Of these, 180 cases involved torture or abuse inflicted during the year; the rest involved incidents that occurred previously. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because they feared retaliation or believed that complaining was futile.

An attorney for Abdulkadir Akgul, Ergin Demir, Cigerhun Erisen, Zubeyit Keserci, and Muzaffer Keserci claimed law enforcement officials tortured his clients during their July detention in Van Province. According to the attorney, security forces were present during his clients' medical examinations, preventing doctors from recording their injuries.

In August Servet Alcinkaya, reporter for the daily *Cumhuriyet*, claimed Istanbul police severely beat him in detention. He said police held him overnight without allowing him to contact relatives and released him the next day.

In October three juveniles said Ordu police repeatedly beat them, squeezed their testicles, and threatened to rape and kill them while they were held in detention following an incident at a local concert. Medical examinations of the juveniles reportedly confirmed signs of beatings on their bodies.

Also in October, broadcast media outlets aired footage of employees abusing children at the Malatya State Orphanage. Images included employees beating children who were stripped naked and sitting in a bathtub. Several of the children told police their caretakers had forced them to eat excrement. Physicians subsequently examined the children and reported finding evidence that 21 of 46 had been subject to torture, including severe beatings and hot water burns. Authorities pressed charges

against five employees and removed four others from their posts. The trial and investigation continued at year's end.

In December Orhan Kara, Velat Haci Ali, Idban Kaplan, Seref Inanc, and Nezir Ayan claimed that police tortured them during their detention in Silopi, Sirnak Province. Erdal Kuzu, an attorney and HRA official who visited the detainees, said police beat the detainees, administered electric shocks to their genitals, forced them to strip and sprayed them with cold water, and placed guns to their heads and threatened to kill them. Kuzu claimed that the prosecutor declined to record the detainees' torture claims, and he claimed the detainees were denied access to prison medical facilities.

There were no developments in the reported 2004 cases of torture of Mehmet Nurettin Basci, Mehmet Gazi Aydin, Sezai Karakus, or several persons detained by police during a raid of the Yeniden Ozlem publishing house.

There were no developments in the investigation of the alleged rape and torture of DEHAP official Gulbahar Gunduz in 2003. Attorneys for Gunduz applied to the ECHR during the year.

Proceedings continued at year's end in the Ankara trial of five police defendants charged with torturing and killing Birtan Altinbas in 1991. The court convicted the defendants in 2004, but the High Court of Appeals returned the case to the lower court on the grounds that the sentences were too lenient.

In September an Istanbul prosecutor charged eight police officers with torturing Firat Develioglu, Emre Nil, Aysegul Huma, and Tugba Babuna, who were detained in 1999 during operations conducted against the Islamist group Adnan Hocacilar. According to the indictment, the officers beat the detainees, handcuffed them to chairs, and squeezed their testicles.

In April an Iskenderun court acquitted four police officers charged with torturing and raping two teenage girls in 1999. The court determined there was insufficient evidence for a conviction. The trial, which began in 2000, had been plagued by repeated procedural delays related to the handling of forensic evidence. The ruling was under appeal at year's end.

Human rights observers said that, because of reduced detention periods, security officials mainly used torture methods that did not leave physical signs, including repeated slapping, exposure to cold, stripping and blindfolding, food and sleep deprivation, threats to detainees or family members, dripping water on the head, isolation, and mock executions. They reported the near elimination of more severe methods, such as electric shocks, high-pressure cold water hoses, rape, beatings on the soles of the feet and genitalia, hanging by the arms, and burns.

Human rights activists, attorneys, and physicians who treated victims said that because of increased punishments for torture and abuse, police who engaged in these practices often did so outside of police detention centers to avoid detection.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and ill-treatment in detention as those arrested for political offenses, although they were less likely to report abuse. Observers said security officials sometimes tortured political detainees to intimidate them and send a warning to others with similar political views. Authorities allegedly tortured ordinary suspects to obtain a confession.

Government-employed doctors administered all medical examinations of detainees. Examinations occurred once during detention and a second time before either arraignment or release; however, the examinations generally were brief and informal. According to the Society of Forensic Medicine Specialists, only approximately 300 of 80 thousand doctors in the country were forensic specialists, and most detainees were examined by general practitioners and specialists not qualified to detect signs of torture. There were forensic medical centers in 34 of 81 provinces. Some former detainees asserted that doctors did not conduct proper examinations and that authorities denied their requests for a second examination.

A justice ministry regulation requires doctor-patient privacy during the examination of suspects, except where the doctor requests police presence for security reasons. During the year there were fewer complaints of security officials remaining in the room despite objections, according to the Society of Forensic Medicine Specialists.

The law provides for harsh prison sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. In practice there were few prosecutions for violation of these laws.

Police harassed, beat, and abused demonstrators (see section 2.b.).

Prison and Detention Center Conditions.—Conditions in many prisons remained poor. Underfunding, overcrowding, and insufficient staff training were problems.

Some inmates convicted for nonviolent, speech-related offenses were held in high-security prisons.

Observers reported that the government made significant improvements in the food provided in the prisons, although there was a lack of potable water in some facilities.

According to the medical association, there were insufficient doctors, and psychologists were available only at some of the largest prisons. Some inmates claimed they were denied appropriate medical treatment for serious illness.

Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. Some observers reported that detainees and convicts were sometimes held together.

The government permitted prison visits by representatives of some international organizations, such as the European Committee for the Prevention of Torture (CPT); however, domestic nongovernmental organizations (NGOs) did not have access to prisons. The CPT visited in March 2004 and conducted ongoing consultations with the government. Requests by the CPT to visit prisons were routinely granted.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the government at times did not observe these prohibitions.

Role of the Police and Security Apparatus.—The Turkish National Police (TNP), under interior ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint interior ministry and military control, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however, the military has overall responsibility for border control.

In December 2004 parliament adopted legislation calling for the establishment of judicial police, who were to take direction from prosecutors during investigations. The judicial police had not been established at year's end.

A civil defense force known as the village guards was less professional and disciplined than other security forces and was concentrated in the southeast. The village guards were accused repeatedly of drug trafficking, rape, corruption, theft, and other human rights abuses. Inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly protected village guards from prosecution. Although the security forces were generally considered effective, the village guards, Jandarma, and police special teams were viewed as those most responsible for abuses. Corruption and impunity were serious problems.

Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders (see section 1.e.). When courts did convict offenders, punishment generally was minimal and sentences were sometimes suspended. Authorities typically allowed officers accused of abuse to remain on duty and, in some cases, promoted them during their trial, which often took years.

The TNP and Jandarma received specialized training in a number of areas, including human rights and counterterrorism. The armed forces emphasized human rights in training for officers and noncommissioned officers.

During the first 6 months of the year, prosecutors opened trials against 1,337 security personnel and other public officials on torture or abuse charges. During that period courts reached final verdicts in 531 torture and abuse cases begun in previous years, convicting 232 defendants and acquitting 1,005. Of the convicted officials, 30 were given jail terms, 32 were fined, 7 were jailed and fined, and 163 were subject to other punishments.

Authorities issued administrative punishments, including suspensions and salary cuts, to three police officers for abuse during the year through November.

Arrest and Detention.—Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. Depending on the charges, persons charged with a crime can be held for up to 48 hours, excluding transportation time, before being arraigned by a judge. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order detention if the court determines that the accused is likely to flee the jurisdiction or destroy evidence. The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time, but in practice authorities did not always respect these provisions and most detainees did not exercise these rights, either because they were unaware of them or feared antagonizing authorities. If indigent, detainees were provided an attorney at government expense.

Private attorneys and human rights monitors reported irregular implementation of these regulations, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees improved during the

year, but varied widely across the country. In some parts of the country, bar association representatives estimated that up to 70 percent of detainees consulted with attorneys, while in other areas only 5 percent did so. The HRA also observed an increase in the percentage of detainees consulting with attorneys but maintained that the vast majority of detainees did not exercise this right.

HRA claimed police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention. Detainees were generally allowed prompt access to family members.

During the year police routinely detained demonstrators (see section 2.b.). Police detained dozens of members of the DEHAP on several occasions (see section 3). Police continued to detain and harass members of human rights organizations and monitors (see section 4). The government continued to detain persons, particularly in the southeastern province of Batman, on suspicion of links to Hizballah.

There were no reports of political detainees. Lengthy pretrial detention was a problem. The law provides detainees the right to request speedy arraignment and trial; however, judges have ordered that some suspects be detained indefinitely, at times for years. Detainees could be held for up to six months during the preliminary investigation period. If a case was opened, the pretrial detention period could be extended for up to two years. If the detainee was charged with a crime carrying a maximum punishment of more than seven years, a court could further extend the detention period. Approximately half of the prison inmates held during the year were convicts; the other half were either awaiting trial or held during trial proceedings.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the judiciary was sometimes subject to outside influence. There were allegations of judicial corruption.

The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power; however, the government and the National Security Council (NSC), an advisory body to the government composed of civilian government leaders and senior military officers, periodically issued announcements or directives about threats to the government, which could be interpreted as general directions to the judiciary.

The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The minister of justice serves as chairman of the seven-member high council, and the justice ministry undersecretary also serves on the council. The High Council (HC) selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The HC is located in the Ministry of Justice and does not have its own budget. While the constitution provides for job security through tenure, the HC controls the careers of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms.

In February prosecutors opened a case against Ercan Yalcinkaya, former deputy secretary general of the high court of appeals, on charges of accepting bribes and trying to influence the court on behalf of organized crime figure Alaaddin Cakici. An Ankara court acquitted Yalcinkaya in June.

The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the nation's highest court; and three other high courts. The High Court of Appeals hears appeals for criminal cases, the Council of State hears appeals of administrative cases or cases between government entities, and the Audit Court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In 2004 parliament adopted legislation providing for the establishment of regional appeals courts to relieve the high court's caseload and allow the judiciary to operate more efficiently. The courts were scheduled to begin operations in 2007.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the constitutional court. However, the court cannot consider "decrees with the force of law" issued under a state of emergency, martial law, in time of war, or in other situations as authorized by parliament. Military courts, with their own appeals system, hear cases involving military law for members of the armed forces. Military courts can also hear cases involving crimes committed by both civilians and military personnel.

Administrative and bureaucratic barriers impeded prosecutions and contributed to the low number of convictions of security force personnel for human rights abuses. Under the law courts could not convict unless a defendant attended at least one trial session. Police defendants sometimes failed to attend hearings in order to avoid conviction; prosecuting attorneys claimed courts failed to make serious attempts to

locate such defendants, even in cases where the defendants received salary or pension checks at their home address.

Under legislation enacted in June, a judge can bar an attorney from representing a client if the attorney comes under investigation for violating certain articles of the penal code.

Trial Procedures.—There is no jury system; a judge or a panel of judges decides all cases. Trials are public. The law requires bar associations to provide free counsel to indigents who request it from the court, and bar associations across the country did so in practice. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right to appeal.

The law provides for the right to a speedy trial; however, at times trials lasted for years (see section 1.d.). Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. In some cases, such delays extended beyond the statute of limitations, causing the trial to end without a verdict.

The law prohibits the use of evidence obtained by torture in court; however, prosecutors sometimes failed to pursue torture allegations, and exclusion of evidence occurred only after a separate case on the legality of the evidence was resolved. However, in practice a trial based on a confession allegedly coerced under torture could proceed, and even conclude, before the court had examined the merits of the torture allegations.

In June the High Court of Appeals overturned a murder conviction reached by a court in Sinop Province on the grounds that police interrogated the defendant without granting him access to an attorney and there was evidence that the suspect had been tortured.

In May the ECHR Grand Chamber ruled that imprisoned PKK leader Abdullah Ocalan did not receive a fair trial during the proceedings that led to his 1999 conviction. The ruling upheld a 2003 decision by a lower ECHR body. The ECHR ruling was based in part on the fact that a military judge initially sat on the three-judge panel that tried Ocalan, although he was later removed. The court also determined that authorities denied Ocalan access to an attorney during his detention period, improperly held him for seven days before taking him before a judge, and restricted his subsequent access to attorneys. At year's end there were no new developments in the case.

Political Prisoners.—The HRA estimated that there were several thousand political prisoners, including leftists, rightists, and Islamists. Of these, approximately 1,500 were alleged members of Hizballah or other radical Islamist political organizations. The government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the government, police detained 3,449 suspects on terrorism charges during the year through November.

International humanitarian organizations were allowed access to “political” prisoners, provided they could obtain permission from the Ministry of Justice. With the exception of the CPT, which generally had good access, such organizations were rarely granted such permission.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the government continued to limit these freedoms in some cases. Journalists practiced self-censorship.

The government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the penal code prohibiting insults to the government, the state, “Turkish identity,” or the institutions and symbols of the republic. Other laws, such as the Anti-Terror Law and laws governing the press and elections, also restrict speech.

Individuals could not criticize the state or government publicly without fear of reprisal, and the government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's European Union (EU) membership process, the role of the military, Islam, political Islam, and the question of Turks of Kurdish origin

as “minorities”; however, persons who wrote or spoke out on such topics risked prosecution.

The Turkish Publishers Association (TPA) reported that serious restrictions on freedom of expression continued despite legal reforms related to the country’s EU candidacy.

In July a Halfeti court convicted DEHAP officials Handan Caglayan and Ahmet Dagtekin of using the Kurdish language during a 2004 campaign event. The court sentenced Caglayan to a 7-month prison term and a fine of \$380 (513 lira) and Dagtekin to a 6-month prison term and a fine of \$326 (440 lira). The rulings were under appeal at year’s end.

In March the High Court of Appeals upheld the conviction and 20-month prison sentence of Mehmet Sevket Eygi for writing against the official ban on headscarves at universities and among civil servants. The court in its ruling argued that freedom of speech is subordinate to the protection of public order in democracies and maintained that Eygi’s criticism of the headscarf ban and its supporters constituted “hatred and animosity.”

In October an Ankara court convicted four Hacettepe University students of “being members of an illegal organization” for submitting a petition to the university rector in 2001 requesting education in the Kurdish language. The court sentenced Nihat Avci and Veli Ay to six years and three months in prison, and Huseyin Bilgin and Haydar Karaca to three years and nine months in prison. The case was under appeal at year’s end.

Also in October Prime Minister (PM) Erdogan reportedly filed a lawsuit against Aynur Saydam for insulting him by holding up a banner during an appearance at Bahcesehir University. The banner featured a statement criticizing Erdogan’s support for a conference on the fate of the Armenians in the final days of the Ottoman Empire. The case was ongoing at year’s end.

Proceedings continued in the appeal of Genç Party leader Cem Uzan’s 2004 conviction for insulting PM Erdogan in a speech.

In October a Sanliurfa court sentenced local DEHAP official Resit Yardimci to a 6-month prison term and fined him \$1,214 (1,640 lira) for greeting the audience in Kurdish during a 2003 party convention. The ruling was under appeal at year’s end.

In December an Ankara court began the trial of 12 officials of the pro-Kurdish party Hak-Par for speaking Kurdish at a party convention and distributing Kurdish-language invitations to the convention.

According to the government, there were no journalists held on speech violations during the year; however, the government reported that at year’s end there were 25 journalists who were being held on charges related to terrorism or other violent crimes.

The government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), there were 226 local, 15 regional, and 16 national officially registered television stations and 959 local, 104 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Most media were privately owned by large holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate.

In March journalists lobbied the government to amend a new draft of the penal code before the legislation became effective. Journalists criticized the legislation for establishing prison sentences for a number of press-related crimes, contradicting the 2004 Press Law that tightly restricted the use of prison sentences in press cases. Parliament addressed some of the journalists’ concerns by making revisions to the penal code. The revised penal code eliminated some prison sentences, but not all, and reduced the prison terms in some cases.

In May the Organization for Security and Cooperation in Europe (OSCE) issued a report on the draft penal code as it related to freedom of the press. According to the report, the draft penal code did not provide adequate protections for journalists to report on issues of public interest.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom; however, judges dismissed many of these charges. Authorities often closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and adopted an adversarial role with respect to the government.

In March RTUK closed the TV stations Primemax and Primemax 2 for “making propaganda for an illegal organization” by showing the movie *Little Freedom*. Yuksel

Yavuz, the director of the film, claimed that the culture ministry had approved the film, and that it had been playing in theaters in the country since December 2003. Also in March RTUK ordered the Adana radio station Radyo Dunya off the air for 30 days for broadcasting excerpts of the book *Memoirs of a Guerrilla*. RTUK maintained that the broadcast “incited hatred and hostility.”

The government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. RTUK regulations limit minority-language news and cultural programming to 60 minutes per day, 5 hours per week on radio, and 45 minutes per day, 4 hours per week on television. The regulations also require that non-Turkish radio programs be followed by the same program in Turkish and that non-Turkish television programs have Turkish subtitles. The state-owned TRT broadcasting company provided national programming in Kurdish and three other minority languages.

In September the Ankara public prosecutor ordered the closure of Radyo Imaj for “making unauthorized broadcasts” and pressed charges against several executives of the station. Radyo Imaj officials claimed the station was closed for playing Kurdish music. The case was ongoing at year’s end.

In December RTUK ordered Radyo Imaj off the air for one month for “inciting hatred and enmity” in a 2004 broadcast on a violent 1993 incident known as the “Sivas Massacre.”

Trial proceedings continued at year’s end in Istanbul in the 2004 case against journalist Mehmet Ali Birand and three attorneys for imprisoned PKK leader Abdullah Ocalan in connection with a CNN Turk broadcast during which Birand interviewed the attorneys.

The TPA reported a decrease in recent years in the number of cases opened against writers and court decisions banning books, and also observed an increase in acquittals in cases involving writers. Printing houses are required to submit books and periodicals to prosecutors at the time the materials are published. According to the TPA, prosecutors investigated and sometimes pressed charges against printing houses for late submission of materials deemed problematic. As a result, the TPA reported, publishers often avoided works with controversial content. Between January 2004 and June authorities opened court cases against 37 authors and 47 books and compilations involving 25 publishers, according to the TPA.

In September an Istanbul prosecutor charged novelist Orhan Pamuk with “insulting Turkish identity” in statements he made during a 2004 interview with a foreign publication. Pamuk was quoted as saying that 1 million Armenians and 30 thousand Kurds had been killed in the country. Prosecutors opened an investigation of Pamuk after a domestic periodical published a translation of the interview. The trial was ongoing at year’s end.

In October an Istanbul prosecutor opened an investigation against retired army captain Murat Pabuc for insulting the military in a book he wrote about corruption in the armed forces. The prosecutor reportedly acted in response to a letter from the military general staff claiming that Pabuc had violated the law. The investigation was ongoing at year’s end.

In November an Istanbul prosecutor opened a case against Fatih Tas, the owner of a company that published a translation of the book, *Spoils of War: The Human Cost of America’s Arms Trade*. The prosecutor charged Tas with insulting the Turkish identity and Atatürk. The trial began in November and was ongoing at year’s end.

Also in November an Ankara prosecutor opened a case against professors Ibrahim Kaboglu and Baskin Oran for “denigrating the judiciary” and “inciting hatred.” Kaboglu and Oran were members of the government’s Human Rights Consultation Board, and the charges stemmed from their roles as principal authors of the board’s 2004 report on minorities in the country. The report stated that religious minorities were effectively barred from careers in state institutions and maintained that legal restrictions on minority languages violate the country’s commitments under the 1923 Lausanne Treaty.

Also in November the High Court of Appeals upheld the 2002 conviction of journalist Burak Bekdil for “insulting state institutions” in a 2001 *Turkish Daily News* column criticizing the judiciary. The court also upheld the 20-month suspended prison sentence against Bekdil.

In December an Istanbul prosecutor charged journalist Murat Yetkin with “trying to influence the judiciary” in a column he wrote about the Pamuk case. Legal proceedings continued at year’s end.

Ragip Zarakolu, owner of Belge Publishing, faced charges in Istanbul during the year for a number of publications deemed “insulting” to the state, including two books dealing with Turkish-Armenian relations.

In October an Istanbul court convicted Hrant Dink, publisher of the Armenian community newspaper *Agos*, of “denigrating Turkish identity” in an article on Turkish-Armenian relations. The court sentenced Dink to a six-month prison term but suspended the sentence. The court ruled for conviction despite the fact that a panel of three legal experts the court appointed to review the article unanimously determined that the article did not violate the law. The ruling was under appeal at year’s end.

In December an Istanbul prosecutor opened a separate case against Dink and three other *Agos* employees on the grounds that their criticism of the October court decision constituted an attempt to “influence the judiciary.”

In December an Istanbul court convicted writer Zulkuf Kisanak of “denigrating the Republic of Turkey” in a book he wrote about the state’s evacuation of Kurdish, Armenian, and Syriac villages. In two separate cases on the same day, the court convicted journalist Aziz Ozer on similar charges stemming from two articles he wrote, one about the government’s policy on Iraq and another about the 80-year history of the Republic of Turkey. The court sentenced both defendants to prison terms, then changed the sentences to fines. The rulings were under appeal at year’s end.

Authorities sometimes used forms of censorship against media with pro-Kurdish or leftist content, particularly in the southeast.

The OSCE determined that journalists risked criminal defamation charges for reporting on public officials because the law provided more protection against libel to public officials than to ordinary citizens.

PM Erdogan filed libel charges during the year against a number of political cartoonists and writers. For example, in February an Ankara court convicted Musa Kart of the daily *Cumhuriyet* for a cartoon portraying Erdogan as a cat. The court ordered Kart to pay \$3,800 (5,132 lira). The ruling was under appeal at year’s end.

The satirical magazine *Penguen* responded to the lawsuits by publishing a front page with a series of drawings by different cartoonists depicting Erdogan as various animals. In March Erdogan filed a lawsuit against *Penguen* seeking \$28 thousand (38,178 lira) in compensation. The case was ongoing at year’s end.

In December the High Court of Appeals overturned the 2004 conviction of political cartoonist Sefer Selvi for “publicly humiliating” PM Erdogan by depicting him as a horse. A lower court had ordered Selvi, a cartoonist with the daily *Evrensel*, to pay \$7,361 (10 thousand lira) in damages.

In March police arrested six juveniles, and a prosecutor charged them with attempting to burn the national flag during celebrations of *Nevruz* (the Kurdish New Year) in Mersin Province. The Turkish General Staff issued a statement denouncing the suspects as “so-called citizens.” Trial proceedings in the case continued at year’s end.

There generally were no government restrictions on the Internet; however, the law authorizes RTUK to monitor Internet speech and to require Internet service providers to submit advance copies of pages to be posted online. The law also allows police to search and confiscate materials from Internet cafes to protect “national security, public order, health, and decency” or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

There generally were no government restrictions on academic freedom; however, there was some self-censorship on sensitive topics.

In May officials at Bosphorus University in Istanbul made a last-minute decision to cancel a conference on the 1915 massacre of Armenians in the Ottoman Empire after Justice Minister Cemil Cicek denounced the event as “a stab in the back of the Turkish nation.” Cicek made his remarks in parliament one day before the conference was scheduled to open; other legislators supported his views.

Organizers at Bosphorus, Sabanci, and Bilgi universities rescheduled the event for September. Hours before the rescheduled event was to open, an Istanbul administrative court issued an injunction blocking the conference. The court ordered organizers to answer a series of questions on the “administrative process” used to prepare the conference. PM Erdogan and Foreign Minister Gul publicly criticized the court ruling. Organizers moved the conference to Bilgi University, which was not named in the injunction, and opened the event on September 24, one day after the court action was made public.

In December an Istanbul prosecutor charged five newspaper columnists with “insulting the judiciary” and “trying to influence the judicial process” for their coverage of the legal battle over the conference. The trial of the columnists—Hasan Cemal, Ismet Berkan, Murat Belge, Haluk Sahin, and Erol Katircioglu—was scheduled to begin in February 2006.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the government restricted this right in practice. Significant prior notification to authorities is required for a gathering, and authorities may restrict meetings to designated sites.

Police killed demonstrators during the year. For example, in February demonstrators in Mersin Province claimed police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the terrorist PKK. According to the HRA, there was no evidence that demonstrators used weapons during the altercation. Interior ministry inspectors determined that police did not shoot Gonultas. Prosecutors opened a case against nine members of the DEHAP for their role in a statement protesting the shooting. The DEHAP officials were charged with being members of an illegal organization; their trial continued at year's end.

In August the body of Hasan Is was discovered following clashes between security forces and demonstrators during funeral ceremonies for PKK militants in Batman Province. Relatives and other witnesses claimed police shot and killed Is during the altercation. However, law enforcement authorities denied that police were responsible.

In October Istanbul police shot and killed Atilla Gecmis during demonstrations in support of Abdullah Ocalan. Demonstrators reportedly threw Molotov cocktails and rocks at police, causing police to open fire.

Police beat, abused, detained, or harassed some demonstrators. In March police repeatedly kicked and beat protestors participating in International Women's Day demonstrations in Istanbul. Following an investigation, the Interior Ministry reprimanded three senior-level law enforcement officials and fined six officers, although the ministry in December reportedly promoted one of the senior-level officers. In December prosecutors charged 54 police officers with using excessive force during the incident.

Also in March police intervened in Nevruz celebrations in a number of cities. HRF reported clashes between police and celebrants in Siirt Province, during which police opened fire, injuring a child. Police in Edirne raided a house and detained a number of local DEHAP officials and students in connection with Nevruz celebrations. During a separate incident in Siirt, police beat juveniles who stoned the police station after police prevented Nevruz celebrations, according to HRF.

In Mersin Province police arrested six juveniles for allegedly trying to burn the national flag during Nevruz celebrations. The juveniles faced charges in court (see Section 2.a.).

In May the Justice Ministry cancelled a seminar on torture prevention for physicians and judicial authorities. Ministry officials announced the cancellation one day before the event was scheduled to start in Istanbul, asserting that organizers had failed to submit the required documents. Representatives of the Turkish Medical Association maintained that all the paperwork had been filed and said the Justice Ministry was involved with the organization of the event.

In September police in Siirt Province allegedly detained and beat 20 demonstrators who had participated in a rally to protest the prison conditions of PKK leader Abdullah Ocalan.

In October a Siirt court ordered 20 defendants to pay fines of \$74 (100 lira) each for hanging placards with the letters "W" and "Q" during Nevruz celebrations in 2004. The letters are found in Kurdish but not Turkish; the law prohibits the use of non-Turkish letters in printed material. The ruling was under appeal at year's end.

Proceedings continued at year's end in the appeal of the 2004 conviction of HRF psychiatrist Alp Ayan and co-defendants for holding an unauthorized demonstration.

Freedom of Association.—The law provides for freedom of association; however, there were some restrictions on this right in practice.

The law requires associations to notify authorities before engaging in activities such as founding an association, interacting with international organizations, and receiving financial support from abroad. Associations are required to provide detailed documents on such activities, and representatives of associations said this placed an undue burden on their operations.

Foreign associations wishing to conduct programs in the country are required to receive separate permission from the Interior Ministry for each activity. They are also required to submit detailed reports to the government on each activity, despite the fact that local partners are also required to report on the same projects.

According to the Third Sector Foundation of Turkey, an NGO advocacy organization, the criteria for NGOs to obtain public benefit status, entitling them to certain tax exemptions, are restrictive and complicated. Applications for public benefit sta-

tus must be approved by the Council of Ministers. The law does not allow applicants to appeal if their petitions are rejected.

In May the High Court of Appeals ordered the closure of the teachers' union Egitim-Sen on the grounds that the union's bylaws violated the constitution by advocating the right of individuals to receive education in their mother tongue (see section 6.a.).

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice; however, the government imposed some restrictions on Muslim and other religious groups.

The law establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas; however, other constitutional provisions regarding the integrity and existence of the secular state restrict these rights.

The government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet), which is under the authority of the prime ministry. The Diyanet has responsibility for regulating the operation of the country's 75,000 registered mosques and employing local and provincial imams, who are civil servants. Some groups, particularly Alevis, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the government asserted that the Diyanet treated equally all who request services.

Academics estimate the Alevi population at 15 to 20 million, including ethnic Turks, Kurds, and Arabs. In general, Alevis follow a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The government considers Alevism a heterodox Muslim sect; however, some Alevis and radical Sunnis maintain that Alevis are not Muslims.

Alevi "*cem* houses" (places of gathering) have no legal status as places of worship. Alevis in the Kartal district of Istanbul continued to fight a court battle against a decision by local authorities to deny them permission to build a *cem* house.

In January Alevis in the Cankaya district of Ankara applied to acquire property to open a *cem* house. Municipal authorities consulted the Diyanet, which issued a letter stating that Alevis in Cankaya did not need a *cem* house because they could worship at a local mosque. Also in January the Diyanet issued a letter to authorities in the Sultanbeyli district of Istanbul stating that *cem* houses violated Islamic principles and the law. The letter was sent in response to an application to build a *cem* house.

Mystical Sufi and other religious-social orders (*tarikats*) and lodges (*cemaats*) have been banned officially since the mid-1920s; however, religious-social orders and lodges remained active and widespread. Some prominent political and social leaders continued to associate with religious-social orders, lodges, and other Islamic societies.

A separate government agency, the General Directorate for Foundations (GDF), regulates some activities of non-Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There are 161 "minority foundations" recognized by the GDF, including Greek Orthodox foundations with approximately 70 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with 20 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. The GDF also regulates Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Jehovah's Witnesses reported continuing official harassment of their worship services because they are not members of an officially recognized religion. In June authorities sealed a kingdom hall (place of worship) used by members of the Jehovah's Witnesses in Akcay, Balikesir Province.

Religious affiliation is listed on national identity cards. Some religious groups, such as the Baha'i, are unable to state their religion on their cards because their religion is not included among the options; they have made their concerns known to the government. There were reports that local officials harassed some persons who converted from Islam to another religion when they sought to amend their cards. Some non-Muslims maintained that listing religious affiliation on the cards exposes them to discrimination and harassment.

Secularists in the military, judiciary, and other branches of the bureaucracy continued to wage campaigns against what they label as proponents of Islamic fundamentalism. These groups view religious fundamentalism as a threat to the secular state. They do not clearly define fundamentalism, but they assert that it is an attempt to impose the rule of *Shari'a* in all civil and criminal matters. The NSC categorizes religious fundamentalism as a threat to public safety.

According to the human rights NGO Mazlum-Der and other groups, some government ministries have dismissed or barred from promotion civil servants suspected

of antistate or Islamist activities. Reports by Mazlum-Der, the media, and others indicated that the military sometimes dismissed religiously observant Muslims from military service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they were concerned could indicate disloyalty to the secular state.

According to Mazlum-Der, the military charged individuals with lack of discipline for activities that included performing Muslim prayers or being married to women who wore headscarves. According to the military, officers and NCOs were sometimes dismissed for maintaining ties to what the military considered to be Islamic fundamentalist organizations, despite repeated warnings from superior officers.

In February a military court reportedly dismissed the deputy commander of the Jandarma command in Ardahan for worshipping at a mosque while wearing his uniform.

The government did not recognize the ecumenical status of the Greek Orthodox Patriarch, acknowledging him only as the head of the country's dwindling Greek Orthodox community. As a result, the government has long maintained that only citizens of the country could become patriarch, serve as members of the Greek Orthodox Holy Synod, and participate in patriarchal elections. Members of the Greek Orthodox community said these restrictions threatened the survival of the patriarchate in Istanbul, because, with fewer than 2,500 Greek Orthodox persons remaining in the country, the community was becoming too small to maintain the institution.

The law restricts religious services to designated places of worship. Municipal codes mandate that only the government can designate a place of worship; if a religious group has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim religious services, particularly for groups that did not own property recognized by the GDF, often took place on diplomatic property or in private apartments. Police occasionally prohibited Christians from holding services in private apartments, and prosecutors sometimes opened cases against Christians for holding unauthorized gatherings.

In June the Council of State, a high administrative appeals court, ruled that the Batikent Protestant Church in Ankara was entitled to receive water from the municipality at no cost. The court determined that the municipality had been violating the principle of equality by supplying free water to mosques but not churches. A lower court had rejected the church's request for free water.

In September Roman Catholic authorities decided to close the Bebekli church in Adana because noise from an adjacent wedding hall had been interfering with church services. Catholic authorities said municipal officials failed to enforce zoning regulations requiring a 10-meter offset around the church building.

Some local officials continued to impose standards, such as minimum space requirements, on churches while failing to apply them to mosques.

The Ecumenical Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara. The government closed the seminary in 1971, when the government nationalized all private institutions of higher learning. Under existing restrictions, religious communities other than Sunni Muslims cannot legally train new clergy in the country for eventual leadership. Coreligionists from outside the country have been permitted to assume leadership positions in some cases, but in general all religious community leaders, including patriarchs and chief rabbis, must be citizens.

No law explicitly prohibits proselytizing or religious conversions; however, many prosecutors and police regarded proselytizing and religious activism with suspicion. Police occasionally prevented Christians from handing out religious literature.

The government waged a public campaign against Christian missionary activity. The Diyanet drafted an antimissionary sermon and distributed it to imams. The sermon, delivered in mosques across the country in March, depicted missionaries as part of a plot by foreign powers to "steal the beliefs of our young people and children." In June the Diyanet published a book on missionaries in which the author stated that "missionaries and the Crusades are related." The author further claimed that Muslims throughout history have never tried to convert non-Muslims and have only explained their beliefs "in an honest fashion," whereas Christian missionaries have used "all means, including the use of sheer force." The Diyanet distributed the book free of charge to parliamentarians and students.

Authorities continued to enforce a long-term ban on the wearing of headscarves at universities and by civil servants in public buildings. Women who wore headscarves and persons who actively showed support for those who defied the ban were disciplined or lost their jobs in the public sector as nurses and teachers. Students who wore head coverings were not permitted to register for classes, although some faculty members permitted students to wear head coverings in class.

In May Constitutional Court president Mustafa Bumin and speaker of parliament Bulent Arinc engaged in a public dispute over the headscarf ban. Bumin asserted in a speech that the Constitutional Court would annul any parliamentary legislation aimed at lifting the ban; Arinc replied that parliament has the authority to close the court.

In November the ECHR Grand Chamber upheld a 2004 ECHR ruling that the ban on Islamic headscarves in the country's universities was not unlawful.

The law establishes eight years of compulsory secular education for students. After completing the eight years, students may pursue study at *imam hatip* (Islamic preacher) high schools. *Imam hatip* schools are classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance exam grades if they applied for university programs outside their field of high school specialization. This reduction effectively barred *imam hatip* graduates from enrolling in university programs other than theology. Most families that enrolled their children in *imam hatip* schools did so to expose them to more extensive religious education, not to train them as imams.

The law establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, some religious minorities—such as Protestants—faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam. The government claims the religion courses cover the range of world religions; however, religious minorities say the courses reflect Sunni Islamic doctrine.

Many Alevis alleged discrimination in the government's failure to include any of their doctrines or beliefs in the religion courses. An Alevi parent in 2004 filed suit in the ECHR charging that the mandatory religion courses violate religious freedom; the case was ongoing at year's end.

Officially recognized minorities may operate schools under the supervision of the Ministry of Education. Such schools are required to appoint a Muslim as deputy principal; reportedly these deputies had more authority than their nominal supervisors. The curriculum of these schools included Greek Orthodox, Armenian Orthodox, and Jewish instruction.

Only the Diyanet is authorized to provide religion courses outside of school, although clandestine private courses existed. Only children 12 and older could legally register for official Koran courses, and Mazlum-Der reported that police often raided illegal courses for younger children. According to Mazlum-Der, in two separate incidents in March, law enforcement authorities raided a Koran course in Kabala, Mardin Province, detaining 30 persons, and a course in Tarakli, Sakarya Province, detaining 3 persons.

In June parliament adopted a law reducing the prison term for those convicted of operating illegal educational courses, including illegal Koran classes, and allowing courts to issue fines instead of prison sentences.

Some religious groups, particularly the Greek and Armenian Orthodox communities, have lost property to the government in the past and continued to fight ongoing efforts by the government to expropriate properties. Many such properties were lost because the law allows the GDF to assume direct administration of properties that fall into disuse when the size of the local non-Muslim community drops significantly. The government expropriated other properties that were held in the name of individual community members who emigrated or died without heirs. The GDF also took control of non-Muslim foundations after the size of the non-Muslim community in a particular district dropped below the level required to elect foundation board members.

The law allows the 161 minority foundations recognized by the GDF to acquire property, and the GDF has approved 341 applications by non-Muslim foundations to acquire legal ownership of properties. However, the legislation does not allow the foundations to reclaim hundreds of properties expropriated by the state over the years. Foundations have also been unable to acquire legal ownership of properties registered under names of third parties, including properties registered under the names of saints or archangels, during periods when foundations could not own property in their own name.

Societal Abuses and Discrimination.—Proselytizing is often considered socially unacceptable; Christians performing missionary work were sometimes beaten and insulted. Police officers may report students who meet with Christian missionaries to their families or to university authorities.

There was an increase during the year in anti-Christian media coverage, threats against Christians, and attacks on churches.

ATV broadcast a report in January mixing coverage of a Protestant church with footage of a sex cult. In May the Islamist daily *Yeni Safak* published an interview with a person who claimed missionaries were using hypnosis to convert Muslims.

In January a group of 60 to 70 nationalists gathered outside Dirilis Protestant Church in Istanbul, chanted slogans, vandalized the premises, and beat the landlord when he confronted them. Police subsequently refused to provide protection for the church on the grounds that the property is not an officially registered place of worship. Police later detained three suspects believed to have participated in the protest.

In April unknown assailants broke the windows of the International Protestant Church of Ankara and threw two Molotov cocktails into the building, damaging the carpet and walls. The church was empty at the time. One month before the attack, the church received an email from a group threatening to kill Christians.

In May unknown individuals painted a red swastika on the apartment door of a Protestant pastor in Izmit and left a threatening letter. Also in May a Christian couple in Kayseri received two e-mails from an unknown party threatening to kill them because of their religious faith.

Protestants in Tarsus claimed they were subject to repeated threats and harassment during the year, including from individual law enforcement officials and municipal officials.

In August co-workers at an Istanbul clothing company reportedly beat Bektas Erdogan, a Christian, while accusing him of "missionary work" and "brainwashing." Erdogan claimed his supervisor attempted to shoot him, but the gun failed to fire.

In November unknown assailants attempted to set fire to the St. Paul Cultural Center, a Protestant facility in Antalya.

In April Syriacs who had recently returned from abroad to the southeastern village of Sari discovered an explosive device in an orchard where they were planning to restart cultivation. In June a landmine exploded in the village of Harabele as a car carrying a Syriac bishop and two others passed by. No one was injured in the explosion, and no suspects were identified in either case. Members of the Syriac community said the bomb incidents discouraged Syriacs abroad from returning to the country.

Members of the Syriac community said local villagers, particularly village guards, often occupied the homes of Syriacs who fled the country, refusing to leave when Syriacs attempted to return.

Some Muslims, Christians, Jews, and Baha'is faced societal suspicion and mistrust. Jews and Christians from most denominations freely practiced their religions and reported little discrimination in daily life. However, religious minorities said they were effectively blocked from careers in state institutions, a claim supported in a 2004 report by a government human rights body.

A variety of newspapers and television shows have featured anti-Christian and anti-Jewish messages, and anti-Semitic literature was common in bookstores.

By year's end there was no verdict in the trial of three members of the Nationalist Movement Party who severely beat Yakup Cindilli, a convert to Christianity, for distributing New Testaments in Bursa Province in 2003.

Trial proceedings were ongoing at year's end in the appeal of Kerim Akbas, who was convicted in 2004 for television broadcasts inciting violence against Christians.

The Jewish community numbered approximately 23 thousand.

At year's end court proceedings continued in the Istanbul trial of 69 suspects charged in connection with the November 2003 terrorist bombings of two synagogues, the British Consulate, and a bank.

Trial proceedings continued in the case of the 2004 bombing of an Istanbul Masonic lodge. It was widely believed in the country that Masons have Zionist and anti-Islamic tendencies; evidence gathered in the investigation indicated that anti-Semitism was at least a partial factor in the attack, which killed two persons and wounded seven. One of the defendants in the case was also a defendant in the case of the November 2003 Istanbul bombings.

In an incident that arose out of the 2003 bombings, a court case was opened in 2004 against the 17-year-old son of one of the alleged perpetrators and 2 journalists on anti-Semitism charges. The charges stemmed from an interview of the youth in the daily *Milliyet*. Two *Milliyet* journalists were charged with providing a platform for incitement against members of another religion. In June an Istanbul court acquitted the journalists, stating that their actions no longer constituted a crime under the revised penal code and press law. The case against the 17-year-old continued at year's end.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, at times the government limited them in practice. The law provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations

(military service, for example), or criminal investigation or prosecution. The government maintained a heavy security presence in the southeast, including numerous roadway checkpoints. Provincial authorities in the southeast, citing security concerns, denied some villagers access to their fields and high pastures for grazing.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs).—Various NGOs estimated that there were from one to three million IDPs in the country remaining from PKK conflict, which began in 1984 and continued at a high level through the 1990s. The government reported that 378 thousand residents “migrated” from the southeast during the conflict, with many others departing before the fighting.

A 2004 law allows persons who suffered material losses during the conflict with the PKK to apply for compensation; however, representatives of NGOs and regional bar associations maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR. They also maintained that the commissions reviewing the applications were biased because they included officials from the Interior Ministry, which oversees the police and Jandarma. There was no mechanism for appealing commission decisions.

The Interior Ministry reported that the review commissions received a total of 177,085 applications for compensation under the law through November. By year’s end the commissions had processed 12,642 of these applications, approving 4,514 and rejecting 8,128.

According to the Turkish Economic and Social Studies Foundation (TESEV), the law only compensates losses suffered after 1987, leaving out victims who suffered losses between 1984, when the clashes started, and 1987. TESEV reported that many victims who fled the region due to the deteriorating economic and security situation were unable to receive compensation because they could not demonstrate a direct link between their losses and the actions of either the PKK or the security forces.

Village guards occupied homes abandoned by IDPs and have attacked or intimidated IDPs attempting to return to their homes with official permission. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. The government claimed that a total of 135,294 displaced persons had returned to the region as of October.

Foreign governments and national and international human rights organizations continued to criticize the government’s program for assisting the return of IDPs as secretive and inadequate.

Protection of Refugees.—An administrative regulation provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government exercised its option under the convention of accepting obligations only with respect to refugees from Europe. The government has established a system for providing protection to refugees.

The Office of the UN High Commissioner for Refugees (UNHCR) reported that the government did not return any recognized refugees to a country where they feared persecution during the year; however, the government deported three registered asylum seekers to their country of origin while UNHCR was reviewing their refugee status. The government deported eight Syrian nationals who indicated that they wished to seek asylum in the country but who were not registered with UNHCR at the time they were deported.

According to the government, Europeans recognized as refugees could remain in the country and eventually acquire citizenship; however, it was not clear how often this happened in practice.

The government offered non-European refugees temporary protection while they were waiting to be resettled in another country. The UNHCR conducted refugee status determination for applicants from non-European countries and facilitated the resettlement of those recognized as refugees.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting the small number of European refugees and asylum seekers. Chechens, many of whom arrived in 2001, reported problems making asylum applications with the government and renewing temporary residence permits.

According to UNHCR, there were indications that Chechens suffered economic hardship because of their lack of a clearly defined legal status made it difficult for them to find employment. The lack of legal status also prevented most Chechen children from enrolling in public schools.

Detained illegal immigrants found near the country's eastern border areas were more likely to be questioned about their asylum status and referred for processing than those caught while transiting or attempting to leave the country. Even along the eastern border, however, access to the national procedure for temporary asylum was hindered by the lack of reception facilities for groups of interdicted migrants, potentially including asylum seekers, and a lack of interpreters to assist security officials.

The UNHCR experienced difficulty gaining access to some persons who expressed a wish to seek asylum while in detention and facing deportation. According to the UNHCR, the government deported five persons in this situation during the year, in most cases to their country of origin, without giving the UNHCR an opportunity to assess their possible need for international protection.

Regulations require asylum seekers to apply within 10 days of arrival and submit proof of identity in order to register for temporary asylum, although this deadline was not enforced. An appeal can be lodged within 15 days of a decision by authorities not to receive an asylum claim; after the appeal procedure, rejected applicants are issued a deportation order that can be implemented after 15 days. Asylum seekers arriving in the country after transiting through one or more other countries continued to face difficulties in lodging an application. As a result, some of the refugees and asylum seekers registered with the UNHCR were unable to register with the government or otherwise legalize their status in the country.

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 generally exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. However, the government restricted the activities of some political parties and leaders.

Elections and Political Participation.—The 2002 parliamentary elections were held under election laws that the OSCE found established a framework for democratic elections in line with international standards; however, the OSCE mission noted that several parties—notably the AKP, the winner of the elections—faced judicial action aimed at closing them down, and many candidates were also prohibited from running. The OSCE reported that, while there were a substantial number of cases of harassment reported by some political parties and by human rights groups, the elections were generally free and fair.

Political parties and candidates could freely propose themselves and be freely nominated by various elements in the country. The high court of appeals chief prosecutor could only seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court.

The Constitutional Court deliberations in the legal case seeking the closure of DEHAP on charges of separatism were ongoing at year's end.

Court proceedings continued in the retrial of Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak, former members of parliament whose April 2004 conviction on charges of being members of, or supporting, the PKK was overturned in July 2004 by the High Court of Appeals.

During the year police raided dozens of DEHAP offices, particularly in the southeast, and detained hundreds of DEHAP officials and members. Jandarma and police regularly harassed DEHAP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DEHAP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism. For example, in October police raided DEHAP offices in the Konak district of Izmir Province, detaining party officials Mehmet Taras and Mahmut Celik; police released Taras the same day and Celik the next day. The raid was reportedly related to plans for holding demonstrations in Bursa Province to protest the prison conditions of Abdullah Ocalan (see section 1.d.).

According to DEHAP, authorities have opened more than 60 investigations and court cases over the past 3 years against party Chairman Tuncer Bakirhan, and jailed 3 party provincial chairman and dozens of party administrators.

In March an Ankara prosecutor opened a case against 12 current and former leaders of the Rights and Freedoms Party for using Kurdish in connection with the party's first congress. Party members were charged with sending invitations to the congress in Kurdish and speaking Kurdish at the event.

There were 24 women in the 550-seat parliament. There was 1 female minister in the 23-member cabinet. There were no female governors but more than 20 female subgovernors.

Although the number was unknown, some minority groups were active in political affairs. Many members of parliament and senior government officials were Kurds.

Government Corruption and Transparency.—Corruption within the government was a problem. Proceedings continued at the Supreme Court in the corruption trial of former prime minister Mesut Yilmaz and former state minister Gunes Taner.

An Ankara military court continued proceedings against former naval forces commander Ilhami Erdil, along with relatives and former aides, on corruption charges involving military tenders and expenditures for his official residence.

Opposition party members criticized the ruling AKP for refusing to lift the immunity of AKP parliamentarians suspected of corruption and other abuses.

The law provides for public access to government information; however, the government can reject applications on national security and other grounds. HRF requests for information during the year were denied, and there was no opportunity to appeal. The Press Council reported that it received no complaints during the year from journalists regarding access to government information.

In May a national police executive reportedly opened an investigation against 15 police officials who had applied for their own personnel records. The executive deemed the applications illegal and issued a circular advising police personnel not to file such applications.

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

A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. The government met with domestic NGOs (which it defined broadly to include business organizations and labor unions), responded to their inquiries, and sometimes took action in response to their recommendations.

The HRA had 34 branches nationwide and claimed a membership of approximately 14 thousand. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information. Other domestic NGOs included the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum-Der.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. The HRA reported that prosecutors opened 47 cases against HRA branches between August 2004 and August and dozens more investigations of the organization and its members during the year.

During the year prosecutors dropped their investigation of the HRA headquarters and Ankara branch office. The investigation was opened following the May 2003 police raid of the facilities.

Amnesty International maintained a headquarters in Istanbul and reported good cooperation with the government during the year. The government also cooperated with international governmental organizations such as the CPT, UNHCR, and the International Organization for Migration (IOM).

Police reportedly harassed and intimidated some human rights activists in the southeast after they met with foreign diplomats.

In March authorities in Nusaybin, Mardin Province, reportedly prevented a delegation from the German Democratic Socialist Party from visiting the relatives of a shepherd allegedly killed by village guards.

In June the National Intelligence Organization reportedly issued a letter to governors in the southeast advising them not to meet with a visiting delegation from the German Protestant Church. According to press reports, the intelligence organization alleged in the letter that the delegation was working to remove restrictions on the PKK in Germany. The government denied that any such letter was sent. Governors and subgovernors in the region uniformly declined to meet with the delegation.

There were government-sponsored human rights councils in all 81 provinces and 850 subprovinces to serve as a forum for human rights consultations among NGOs, professional organizations, and the government. The councils investigated complaints and, when deemed appropriate, referred them to the prosecutor's office. However, many councils failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that the councils lacked authority and were not independent, in part because unelected governors and subgovernors served as chairmen.

A Human Rights Presidency (HRP) monitored the implementation of legislation relating to human rights, coordinated with NGOs, and educated public officials. The HRP was generally considered effective. The HRP was attached to the Prime Ministry; it did not have a separate budget, and its resources were limited. Other government human rights bodies include the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; a Human Rights Consultation Board (HRCB), which serves as a forum for the exchange of ideas between the government and NGOs; and a Human Rights Investigative Board (HRIB), a special body to be convened only in cases where lower-level investigations are deemed insufficient by the HRP. The HRIB has never been convened.

In March six NGOs—the Society of Forensic Medicine Specialists, the Pir Sultan Abdal Culture Association, the Turkish Medical Association, the Turkish Human Rights Institution Foundation, the Human Rights Foundation, and the Public Administration Institute for Turkey and the Middle East—announced that they were withdrawing from the HRCB because of “government interference” with the body.

The parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigated alleged abuses, prepared reports, and carried out detention center inspections.

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

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not always enforce these provisions effectively. Societal and official violence and discrimination against women and minorities as well as trafficking in persons were problems.

Women.—Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse; however, the government generally did not effectively enforce the law. Police were reluctant to intervene in domestic disputes and frequently advised women to return to their husbands. Spousal abuse was considered an extremely private matter involving societal notions of family honor, and few women went to the police.

The Directorate General for the Status of Women reported that 147,784 women were victims of domestic violence from 2001 to 2004. These incidents included 4,957 cases of rape and 3,616 cases of attempted rape. In 2003 6,543 women suffered beatings from family members, and in the first eight months of 2004, 5,214 women suffered beatings.

The law prohibits rape, including spousal rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Women's rights advocates believed cases of rape were underreported.

The government's Institution for Social Services and Orphanages operated 14 shelters for female victims of domestic violence and rape with a total capacity of 259. Municipalities and NGOs also operated a number of shelters. Under legislation adopted in July, municipalities with populations greater than 50 thousand were required to establish shelters for women. During the year a number of municipalities opened shelters, or prepared to do so, in accordance with the legislation.

Honor killings—the killing by immediate family members of women suspected of being unchaste—were a problem. Women's advocacy groups reported that there were dozens of such killings every year, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

In March a 15-year-old girl in Diyarbakir was allegedly raped by her father-in-law who, she claimed, demanded that she prostitute herself in order to earn money. When she refused, relatives allegedly attacked her and cut off her nose. Police arrested her father-in-law and three brothers-in-law. Authorities released the suspects, then arrested them again after the local bar association took up the case.

In May a 14-year-old boy shot his mother, Birgul Isik, in Elazig as she returned from Istanbul, where she had discussed being beaten by her husband on a television talk show. Her son allegedly shot her for “disgracing the family.” Isik died from her wounds in June. Authorities charged the 14-year-old with murder and also charged Isik's husband and a stepson with incitement. The trial continued at year's end.

Dicle University in Diyarbakir conducted a survey on honor killings during the year. The university polled 430 persons in the southeast; 78 percent of those surveyed were men. The survey revealed that 37.4 percent of the respondents believed honor killings were justified if a wife committed adultery, and 21.6 percent believed infidelity justified punishments such as cutting off a wife's ear or nose.

In October an Istanbul court sentenced Mehmet Hanifi Halitogullari to life imprisonment for killing his daughter, Nuran, in 2004. Nuran had been kidnapped and raped, and her father reportedly killed her to “clean the family honor.” In October an Istanbul court convicted Irfan and Ferit Toren of killing their sister, Guldunya, in February 2004. A family member reportedly raped and impregnated Guldunya in 2003. She then fled Bitlis for Istanbul, where her brothers shot and killed her. The court sentenced Irfan to life imprisonment and Ferit, a minor at the time of the murder, to 11 years and 8 months’ imprisonment.

Trial proceedings continued in the case of Semse Allak, who was killed by relatives in Mardin Province in 2003 for becoming pregnant out of wedlock. Trial proceedings also continued in the case of Kadriye Demirel, who was killed by her 16-year-old brother in Diyarbakir in 2003 for becoming pregnant out of wedlock.

Trial proceedings continued at year’s end in the appeal of the 2004 conviction by a Sanliurfa court of 9 relatives of Emine Kizilkurt; the relatives were convicted for their roles in the murder of Kizilkurt, who was 14, after she was raped by a neighbor.

Prostitution is legal; however, police made numerous arrests involving foreigners working illegally as prostitutes.

The law prohibits sexual harassment; however, women’s rights activists maintained that sexual harassment was common and the law was rarely enforced.

Under the law, women enjoy the same rights as men; however, societal and official discrimination were widespread.

The Directorate General on the Status and Problems of Women, under the State Ministry in Charge of Family Affairs, is responsible for promoting equal rights and raising awareness of discrimination against women.

Women continued to face discrimination in employment to varying degrees and were generally underrepresented in managerial-level positions as well as in government. Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors worked as unpaid family labor.

Children.—The government was committed to furthering children’s welfare and worked to expand opportunities in education and health. The Children’s Rights Monitoring and Assessment High Council monitored compliance with the Children’s Rights Convention.

Government-provided education through age 14 or the eighth grade is free, universal, and compulsory. The maximum age to which public schooling was provided was 18. Traditional family values in rural areas placed a greater emphasis on education for sons than for daughters. According to the government, 95.4 percent of girls and 99.2 percent of boys in the country attended primary school; however, the UN reported during the year that in the eastern and southeastern regions of the country more than 50 percent of girls between 6 and 14 did not attend school.

The government provides health services to citizens who lack health insurance. Children of parents with health insurance are covered under their parents’ plans. Boys and girls have equal access to health care.

Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives (see section 5, Women). In October police arrested five employees of the Malatya state orphanage in connection with an investigation into the alleged torture and abuse of children at the institution (see section 1.c.).

Child marriage occurred. The legal age of marriage in the country is 18 for both boys and girls. A judge can authorize a marriage at age 17 under “extraordinary circumstances”; the law requires judges to consult with parents or guardians before making such a decision. However, children as young as 12 were at times married in unofficial religious ceremonies. Families sometimes engaged in “cradle arrangements,” agreeing that their newborn children would marry at a later date, well before reaching the legal age.

Women’s rights activists say underage marriage has become less common in the country in recent years, but is still practiced in rural, poverty-stricken regions. Activists maintained that girls who married below the legal age often had children shortly thereafter and suffered physical and psychological trauma as a result. Arranged marriages have been cited as a cause of suicides among girls, particularly in the southeast.

In December two sociologists published the results of their one-year study on child prostitution in Istanbul. They estimated there were 300 to 400 girls under 18 working in the sex trade in the city.

Trafficking of children was a problem (see section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

The State Ministry in Charge of Family Affairs oversaw implementation of official programs for street children.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports of trafficking in women and children to, from, and within the country for the purpose of sexual exploitation. There were allegations that police corruption at all levels contributed to the trafficking problem.

The law punishes trafficking with prison terms ranging from 8 to 12 years' imprisonment in addition to heavy fines. The new penal code came into effect in June and specifically addresses trafficking as a crime. However, prosecutors have mostly tended to use other articles that regulate prostitution, rather than the new law on trafficking, which has rendered the new law nearly ineffective. The government reported that prosecutors opened 75 cases against alleged traffickers during the year through September. Courts convicted 29 defendants and acquitted 75 on trafficking charges during that period. Several cases were ongoing at year's end.

An ambassador-level official at the Ministry of Foreign Affairs serves as national coordinator for the government's Task Force on Human Trafficking, which is composed of representatives from the ministries of health, interior, justice, finance, and labor, among others. The government actively participated in international antitrafficking investigations. During the year the government expanded bilateral and multilateral protocols with neighboring countries and regional groups to include antitrafficking law enforcement agreements.

Source country officials reported that central government offices did provide information on trafficking matters in a somewhat timely manner, but dealings with offices outside Ankara were slow and difficult. One source country NGO reported that it took the government more than three months to respond to each of its requests to assist trafficking victims.

The country was a destination and source for trafficked persons. The government placed at 235 the number of identified trafficking victims during the year. Various NGOs operating in the country and in neighboring source countries estimated the number of trafficking victims to be nearly 10 times that figure. Young women seeking employment, particularly from Moldova, Ukraine, Belarus, and Russia, were at the greatest risk of being trafficked into the country. The most identified foreign victims were trafficked for sexual exploitation and were found in Istanbul, Ankara, and Antalya, although victims were identified in cities all around the country. Nearly all of them were treated for sexually transmitted diseases. There were media reports of Turks being trafficked internally and externally. Newspapers reported that British police raided a massage parlor in Birmingham, United Kingdom, in early October and found 2 Turks among 19 women trafficked for sexual exploitation. According to NGOs working in the field, the number of women trafficked internally for sexual exploitation was increasing.

Internal trafficking was a problem. Most trafficking activity within the country occurred in Istanbul, Antalya, Ankara, Mersin, and Trabzon. For example, in September a 14-year-old runaway girl was reportedly held captive in Antalya and forced to have sexual relations with numerous men. She was rescued by police, and the traffickers were arrested and charged with trafficking. The case was pending at year's end.

Foreign victims trafficked to the country were typically recruited by small networks of foreign nationals and Turkish citizens who relied on referrals and recruitment from friends and family members in the source country. Some victims answered newspaper advertisements or enlisted the help of job agencies in the source country. The victims often did not know where they were going or which airlines they were using. Some victims reportedly arrived in the country knowing that they would work illegally in the sex industry; however, most arrived believing they would work as models, waitresses, dancers, domestic servants, or in other regular employment. Traffickers typically confiscated victims' documents, then confined, raped, beat, starved, and intimidated them by threatening their families and ultimately forced them into prostitution.

Not all trafficking cases were for sexual purposes. One foreign victim was saved from domestic servitude after calling the trafficking hot line. The media reported that young Turkish men and women, many underage, were recruited to work in brick factories in Tekirdag Province, receiving little or no salaries and living in hazardous conditions on site.

A Moldovan mother recounted a common trafficking scenario. She was lured to the country with the promise she would earn \$300 (409 lira) per month as a domestic helper and nanny. After her arrival, her captors locked her in a dark basement, then deprived her of food and tortured her until she submitted to prostitution. The victim asserted that she only left the premises three times in five years, twice at night and once when she was rescued. Claiming that Turkish men liked plump

women, the traffickers fed the victim “serum” to fatten her up and did not allow her to exercise. Police rescued the victim in August after she called the trafficking hot line. After a stay at the Istanbul shelter, the victim returned to her children in Moldova.

There were credible reports that the government continued its practice of processing trafficking cases as voluntary prostitution and illegal migration. Source country NGOs reported that 226 victims of trafficking either voluntarily left or were deported during the year. There were allegations that the government had deported more than 80 women by sea to Odessa; many of them were not Ukrainian citizens. In Ukraine NGOs identified the women as trafficking victims and repatriated them to their home country.

The first shelter for trafficking victims in the country was located in Istanbul and operated by the Istanbul municipality and the Human Resources Development Foundation, an NGO. The facility sheltered 135 victims during the year. While the 10-bed shelter was generally filled to capacity, the government continued to shelter trafficking victims at battered women’s shelters, when available, or in detention centers where the victims were kept separate from inmates.

In October authorities opened a second shelter for victims of trafficking in Ankara. The Foundation for Women’s Solidarity, an NGO, operated the shelter and sheltered five victims of trafficking during the year.

The health and justice ministries provided free medical and legal services to foreign victims choosing to remain in the country. By the end of October the Ministry of Interior had issued eight humanitarian visas, which allowed victims to remain in the country for a maximum of six months. The government did not have a repatriation program for victims.

In May the government, in cooperation with IOM, began a multi-country trafficking in persons’ prevention and public awareness campaign, including the establishment of a toll-free hotline for victims. Television commercials in Ukraine, Moldova, and Turkey, posters and billboards in major airports and seaports in each country, inserts given at passport control booths to the targeted group of women, and a Russian/Turkish periodical distributed by Turkish consulates in all Russian-speaking posts advertised the hot line in Turkish, Romanian, Russian, and English. The operations division of the general command of the Jandarma published an additional 150 thousand copies of a pamphlet in Turkish, Russian, and English outlining what trafficking is, how to recognize victims, and what to do if someone suspects trafficking.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. Although they suffered from a lack of economic opportunity, there was no societal discrimination. The law does not mandate access to buildings and public transportation for persons with disabilities. The Presidency Administration for Disabled People, under the Prime Ministry, is responsible for protecting the rights of persons with disabilities.

In September Mental Disability Rights International released a report stating that people with mental disabilities in the country were subject to treatment “tantamount to torture.” The international NGO, which conducted a two-year study in the country, claimed the country lacked community-based support for mental patients and offered no alternative to state institutions where the mentally disabled were held separately from society in “prison-like incarceration.” Specific abuses listed in the report included: mental patients committed to psychiatric hospitals without judicial review; excessive use of painful electroconvulsive shock treatment without anesthesia or muscle relaxant; use of shock treatment on young children; malnutrition and dehydration of patients; lack of rehabilitation and physical therapy; and excessive use of physical restraints, including children tied to beds for extended periods.

National/Racial/Ethnic Minorities.—The law provides a single nationality designation for all citizens and does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country’s citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked censure, harassment, or prosecution.

The government maintained significant restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications (see Section 2.a.).

In February the HRA Istanbul branch sent a letter to the education minister protesting a poetry book published by the ministry. According to the HRA, the book, *On This Path*, has racist statements about Armenians, including “Are you human,

you Armenian?" and "Armenian lower than a *Russian*." The HRA requested that the ministry remove the book from the curriculum. There were no further developments at year's end.

A number of private Kurdish language courses closed during the year, citing a lack of students. Kurdish rights advocates said many Kurds could not afford to enroll in private classes. They also maintained that many potential applicants were intimidated because authorities required those enrolling in the courses to provide extensive documents, including police records that were not required for other courses. They maintained that the requirements intimidated prospective applicants, who feared police were keeping records on students taking the courses.

No official estimate of the Romani population existed. The International Romani Studies Network (IRSN) released a report during the year that estimated the Romani population at approximately 2 million. According to the report, Roma faced significant discrimination, and the national media consistently portrayed them in ways that supported negative stereotypes. IRSN reported that Roma were more consistently undereducated and underemployed, suffered much higher levels of ill-health, higher incidences of discrimination based on ethnicity, and had poorer housing than any other group in the country. The report maintained that there were virtually no positive role models for Romani youth other than musicians and that Roma who achieved success generally felt the need to hide their ethnic identity.

The law states that "nomadic Gypsies" are among the four categories of people not admissible as immigrants.

Other Societal Abuses and Discrimination.—While the law does not explicitly discriminate against homosexuals, representatives of the gay and lesbian rights organizations Lambda Istanbul and Kaos GL claimed that vague references in the law relating to "the morals of society" and "unnatural sexual behavior" were sometimes used to punish homosexuality. Gay and lesbian rights activists maintained that homosexuals risked losing their jobs if they disclosed their sexual orientation and said the law did not protect their rights in such circumstances.

In September the Ankara governor's office applied to the public prosecutor for the closure of Kaos GL after the organization applied for association status. The governor's office maintained that the organization's name and the goals stated in its bylaw—including the defense of gay and lesbian rights—were against the moral values of the country. However, the prosecutor's office, citing international conventions on human rights, determined in October that the organization had not violated the law, and the organization became a legal association.

Section 6. Worker Rights

a. The Right of Association.—The law provides some but not all workers with the right to associate and form unions subject to diverse restrictions; some workers exercised this right in practice. The government maintains some restrictions on the right of association. Unions are required to obtain official permission to hold meetings or rallies and to allow government representatives to attend their conventions and record the proceedings; however, these requirements were not always enforced. Prosecutors could ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions based on alleged violation of specific legal norms. Approximately 25 percent of the wage and salary workers in the labor force was unionized.

In May the High Court of Appeals ordered the closure of the teachers' union Egitim-Sen on the grounds that the union's bylaw violated the constitution by advocating the right of individuals to receive education in their mother tongue. In June an attorney for the union filed an appeal with the ECHR. In July Egitim-Sen removed the controversial article from its bylaws, enabling the union to avoid closure while the ECHR case was pending. According to Egitim-Sen, authorities began to pursue the case after the military General Staff sent a letter to the Labor Ministry in 2003 asserting that the bylaw violated the constitution.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. Union representatives claimed that employers sometimes fired workers because they had joined a union, using alleged incompetence or economic crises as a pretext. Fired workers have the right to appeal the decision of their employer, but under the law the employer is generally not obligated to reinstate the worker.

b. The Right to Organize and Bargain Collectively.—The ability of unions to conduct their activities, including collective bargaining, is subject both in law and in practice to diverse government restrictions and interference. Industrial workers and public sector employees have the right to bargain collectively, and approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective bargaining agreements. The law requires that, in order to become a bargaining agent, a union

must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. In June the International Confederation of Free Trade Unions claimed that the law resulted in workers in many sectors not being covered by collective agreements.

The law provides for the right to strike; however, the law requires a union to take a series of steps, including negotiations and nonbinding mediation, before calling a strike. A union that failed to comply with these steps forfeited its right to strike. The law prohibits unions from engaging in secondary (solidarity), political, or general strikes—strikes involving multiple unions over a large geographical area—or in work slowdowns. In sectors in which strikes are prohibited, labor disputes were resolved through binding arbitration.

The law allows the government to suspend strikes for 60 days on national security or public health and safety grounds. Unions may petition the Council of State to lift such a suspension. If an appeal failed and the parties and mediators failed to resolve the dispute, a strike is subject to compulsory arbitration at the end of the 60-day period.

The law prohibits strikes by civil servants, public workers engaged in the protection of life and property, the mining and petroleum industries, sanitation services, national defense, and education; however, many workers in these sectors conducted strikes in violation of these restrictions with general impunity. The majority of strikes during the year were illegal; while some illegal strikers were dismissed, in most cases employers did not retaliate.

There are no special laws or exemptions from regular labor laws in the country's 21 free trade and export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

Some parents forced their children to work on the streets and to beg (see Section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—There are comprehensive laws or policies to protect children from exploitation in the workplace, and the government generally sought to implement them but was hampered by lack of personnel and resources. The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than 8 hours a day. At age 15 children may engage in light work provided they remain in school. The law provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the government prohibits children from working at night or in areas such as underground mining. The law prohibits children attending school from working more than 2 hours per day or 10 hours per week.

The Ministry of Labor effectively enforced these restrictions in workplaces that were covered by the labor law, which included medium and large-scale industrial and service sector enterprises. A number of sectors are not covered by the law, including small-scale agricultural enterprises, maritime and air transportation, family handicraft businesses, and small shops.

Nonetheless, child labor was widespread. The State Statistical Institute reported that the number of child laborers between the ages of 12 and 17 dropped from 948 thousand in 2003 to 764 thousand in 2004; however, some observers claimed that there were no reliable statistics in this field and that the actual number of working children was rising.

An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. According to the Labor Ministry, 65 percent of child labor occurred in the agricultural sector. However, some observers maintained that the bulk of child labor had shifted to urban areas as rural families migrated to cities. Many children worked in areas not covered by labor laws, such as agricultural workplaces with fewer than 50 workers or the informal economy.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently had preference for future employment in the enterprise. If children employed in these businesses were registered with a ministry of education training center, they were required to go to the center once a week for training, and the centers were obliged by law to inspect their workplaces. There were 298 centers located in 81 cities; these centers provided apprenticeship training in 113 occupations. The government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers.

Children were trafficked for sexual exploitation (see section 5). There were no reliable statistics for the number of children working on the streets nationwide. The government operated 28 centers to assist such children.

e. Acceptable Conditions of Work.—The Minimum Wage Commission, a tripartite government-industry-union body that reviews the minimum wage every six months, set the minimum monthly wage for the second half of the year at approximately \$360 (489 lira) per month, which did not provide a decent standard of living for a worker and family. However, most workers earned considerably more than the minimum wage. Approximately one-third of the labor force was covered by the labor law and received fringe benefits that, according to the Turkish Employers' Association, accounted for approximately 63 percent of total compensation.

The law establishes a 45-hour workweek with a weekly rest day, and limits overtime to 3 hours per day for up to 90 days a year. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service and government sectors, which covered approximately 12 percent of workers. Workers in other sectors had difficulty receiving overtime pay, although by law they were entitled to it.

The law mandates occupational health and safety regulations; however, in practice the government did not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which included employee and employer representatives as well as safety inspectors, determined that the operation endangered workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes resulted in inadequate attention to occupational safety and health by workers and employers alike. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and they did so in practice.

TURKMENISTAN

Although the constitution declares the country to be a secular democracy and presidential republic, Turkmenistan is an authoritarian state dominated by president-for-life Saparmurat Niyazov who retained his monopoly on political power. Its population is approximately five million. Niyazov has been president since independence in 1991, and legally may remain in office until 2010. In August 2003 Niyazov was elected by the Halk Maslahaty (people's council) to a life term as its chairman, giving him a substantial say in the selection of any presidential successor.

Government efforts continued to focus on fostering centralized state control and the glorification of the president. All candidates who ran in the December 2004 parliamentary elections were members of the Democratic Party, the only legally recognized political party in the country, and were cleared by the authorities. Of the country's 2 parliamentary bodies, the 2,500-member people's council is the supreme legislative body and surpasses the 50-member Mejlis (parliament) in authority. The judiciary was not independent and was under the control of the president. The civilian authorities generally maintained effective control of the security forces.

The government continued to commit serious abuses and its human rights record remained extremely poor. Authorities severely restricted political and civil liberties. The following human rights problems were reported:

- citizens' inability to change their government
- torture and mistreatment of detainees
- incommunicado and prolonged detention
- arbitrary arrest and detention of religious minority group members, civil society workers, and family members of accused criminals
- house arrest
- denial of due process and a fair trial
- arbitrary interference with privacy, home, and correspondence
- restrictions on freedom of speech, press, assembly, and association
- restrictions on religious freedom
- a government-maintained black list of individuals not permitted to travel abroad
- violence against women
- restrictions on free association of workers

Measured improvements in human rights included: government registration of five minority religious groups, release of four prisoners of conscience, the February ratification of new child labor laws, and less evidence of child labor during the cotton harvest.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reliable reports that the government or its agents committed any politically motivated killings, although soldiers in the state border service killed eight people attempting to cross the border illegally.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, security officials tortured, routinely beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the government. Police abuse also targeted religious minorities (see section 2.c.).

For example in April police detained private educator Alexander Fataliyev for nine days, beat him, and threatened him with death.

Authorities detained people in psychiatric hospitals as punishment. On July 23, authorities detained Krishna Consciousness Society of Turkmenistan member Cheper Annaniyazova, who returned to the country during the year, in a psychiatric hospital for illegally leaving the country in 2000. Annaniyazova was charged with illegal departure, illegal entry, and conspiracy to commit illegal departure; she was sentenced to a seven-year prison term. At year's end conviction documents had not been released.

Gurbandurdy Durdykuliev remained in a psychiatric ward since his February 2004 detention in response to petitioning the government to hold a peaceful demonstration.

Unlike the previous year, there were no reports that Ministry of National Security (MNB) members beat Radio Free Europe/Radio Liberty (RFE/RL) associates. There were no developments nor were any expected in the case of the January 2004 abduction and beating of a RFE/RL associate.

No developments were expected in the case of the April 2004 beating of Mukhametgoldy Berdyew, Moscow-based RFE/RL correspondent and executive director of the human rights organization Turkmen ili.

There was no government action taken in the following 2003 cases: the detention, beating, and injuring of a person suspected of buying a forged passport; the reported detention, torture, and severe injuring of five relatives or associates of Saparmurat Yklymov; and the abduction and beating of a local correspondent by suspected MNB officers.

Prison and Detention Center Conditions.—Prison conditions were poor; they were unsanitary, overcrowded, unsafe, and posed a threat to life. Disease, particularly tuberculosis, was rampant. International monitoring organizations continued to report that prisoners with tuberculosis were released untested and untreated into the general population. Government officials protested these allegations and the allegations of foreign diplomatic missions, but they refrained from responding to direct inquiries about prison conditions. Nutrition was poor, and prisoners depended on relatives to supplement inadequate food supplies, although prisoners convicted for treason were unable to receive supplies from relatives. The government defined treason as any opposition to the government.

Former government officials and others imprisoned for various alleged crimes, including those implicated in the 2002 armed attack against the president, were singled out for harsh treatment. There were no reports available on the conditions and treatment of prisoners arrested after the 2002 armed attack.

Local sources reported that authorities detained and threatened relatives of those implicated in the 2002 attack to coerce confessions and limit their contact with foreigners. Many were placed on a black list that prevented them from traveling outside of the country (see section 2.d.).

Government opponents reported that former high-level officials were denied proper medical treatment and suffered beatings while in detention. Security forces also denied them medical treatment and food, and used verbal intimidation to coerce confessions.

Unlike the previous year, members of minority religions did not report that they were singled out for harsher treatment than other prisoners (see section 2.c.). Four Jehovah's Witnesses imprisoned as conscientious objectors—three in 2004 and one

in February—were released in April. There were no remaining imprisoned conscientious objectors at the end of the year.

Family members and international publications claimed some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the summer heat. On August 23, the Helsinki Foundation reported that political prisoner Yazgeldi Gudogdyev died in prison due to an untreated illness.

In early November a presidential pardon amnestied 8,145 prisoners. Amnestied prisoners swore an oath of allegiance to the *Rukhnama*, President Niyazov's spiritual guidebook on the country's culture and heritage.

There were three types of incarceration facilities throughout the country: educational-labor colonies, correctional-labor colonies, and prisons. Some prisoners, usually former government officials, were sent into internal exile. In the correctional-labor colonies, relatives of prisoners reported excessive periods of prisoner isolation. There were reports that prisoners were forced to work under hazardous and unhealthy conditions in a kaolin mine in Gyzylgaya prison, near Dashoguz.

Prisoners connected with the November 2002 attack were reportedly held separately at the Owadan Depe prison. Government officials refused to respond to inquiries from family members and diplomats about political prisoners' location or condition. Government officials also refused to permit family members, foreign diplomats, or international observers, including the International Committee of the Red Cross (ICRC), access to detainees or prisoners associated with the November 2002 attack. During the year the ICRC did not conduct any prison visits, due to unacceptable government limitations on visiting certain types of prisons and prisoners.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs (MVD) directs the criminal police, who worked closely with the MNB on matters of national security. The MNB exercises control over personnel changes in other ministries and enforces presidential decrees. Both the MNB and criminal police operated with impunity. Corruption existed in the security forces.

The government investigated some allegations of abuse and held some members of the security forces accountable for abuses. The MNB's primary responsibility was ensuring the government remained in power. The MNB limited personal freedoms and maintained a black list of citizens restricted from foreign travel. This list is enforced by the MVD's sixth department—the Department of Organized Crime and Terrorism Prevention.

Arrest and Detention.—A warrant is not required for an arrest. Authorities can detain individuals for 72 hours without a formal arrest warrant, but legally have to issue a formal bill of indictment within 10 days of arrest to hold detainees longer; these provisions were not always adhered to in practice. The chairman of the Cabinet of Ministers, a position held by the president, has sole authority for approving arrest warrants.

Detainees are entitled to immediate access to an attorney once a bill of indictment is issued and they were able to choose their counsel; however, in practice they did not have prompt or regular access to legal counsel. In some cases legal counsel ceased advising their clients after government officials altered the charges or case details initially provided to defendants. Incommunicado detention was a problem. By law detainees are to be charged within 72 hours; there was no evidence of authorities not respecting this right in practice. There was no bail system. Authorities denied some prisoners visits by family members during the year. Families sometimes did not know the whereabouts of imprisoned relatives (see section 1.c.).

The law characterizes any opposition to the government as an act of treason. Those convicted faced life imprisonment and were ineligible for amnesty or reduction of sentence. During the year approximately 50 to 60 persons were arrested or convicted under the law.

Those expressing views critical of or different from those of the government were arrested on charges of economic crimes against the state and various common crimes (see section 2.a.).

Representatives of minority religions claimed that law enforcement officers forcibly detained their members throughout the year (see section 2.c.).

Dunya Yklimova Mahtimagamedova, a relative of one of the convicted 2002 coup plotters who fled the country in 2004, reportedly also fled the country after security forces repeatedly detained her.

Opposition groups and international organizations, such as Amnesty International (AI), claimed the government held many political detainees, although the precise number was unknown. Several hundred relatives and associates of those implicated

in the November 2002 attack were held without charge for their perceived political opinions and possible involvement in the attack.

Pretrial detention may legally last no longer than two months, which in exceptional cases may be extended to one year. In practice pretrial detentions averaged two to three months; authorities often exceeded limits.

The government used house arrest without due process to control regime opponents and prevent citizens from meeting with foreign diplomats. Some nongovernmental organization (NGO) leaders were also discriminately placed under house arrest. During the year relatives of those suspected in the 2002 armed attack and some of the 100 individuals placed under house arrest in 2003 to prevent meeting with the Organization for Security and Cooperation in Europe (OSCE) remained under occasional or permanent house arrest or were restricted from traveling outside of certain regions.

During the year numerous former ministers and government officials were dismissed from their positions, sent into internal exile, placed under house arrest, or sentenced to jail terms, often for valid, though politically motivated, charges (see sections 2.d. and 3.).

Amnesty.—In early November the president amnestied 8,145 prisoners. No political prisoners were granted a pardon.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice the judiciary was subordinate to the president. There was no legislative review of the president's judicial appointments, except for the chairman (chief justice) of the supreme court who was reviewed by the rubber stamp parliament. The president has the sole authority to dismiss all judges before the completion of their terms and has done so frequently down to the city level.

The court system consists of a supreme court, 6 provincial courts (including 1 for Ashgabat), and, at the lowest level, 61 district and city courts. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the office of the prosecutor general.

Trial Procedures.—In August 2004 the government released a revised draft criminal procedure code that could significantly alter the 1961 Soviet code, still in force. The proposal incorporated rights of the accused—including the introduction of the presumption of innocence, restraints on police searches, establishment of a bail mechanism, and limits on pretrial detention. The proposal was pending at year's end.

The law provides due process for defendants, including a public trial, access to accusatory material, the right to call witnesses to testify on their behalf, a defense attorney, 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, and there were few independent lawyers available to represent defendants. There is no jury system. At times defendants were not allowed to confront or question witnesses against them, defendants and their attorneys were denied access to government evidence against them, and defendants frequently did not enjoy a presumption of innocence. Even when due process rights were observed, the authority of the government prosecutor far exceeded that of the defense attorney, and it was very difficult for the defendant to receive a fair trial. Lower courts' decisions could be appealed, and the defendant could petition the president for clemency. Courts allegedly ignored allegations of torture that defendants raised in trial.

Foreign observers have been permitted at some trials, and some attended trials during the year.

There were regular reports of individuals being arrested and requested to pay fines for breaking specific laws; however, when asked to see the law, government officials refused or stated the laws were secret.

Political Prisoners.—The law characterizes any opposition to the government as an act of treason. Those convicted faced life imprisonment and were ineligible for amnesty or reduction of sentence.

The exact location of over 50 prisoners being held in connection with the 2002 attack remained unknown. There were reports they were being held at Owadan Depe prison outside of Ashgabat and subject to abuse.

At year's end the government held at least one political prisoner, Mukhametkuli Aimuradov, imprisoned since 1995.

Former mufti Nasrullah ibn Ibadullah was sentenced to 22 years imprisonment on charges of treason in March 2004. He was accused of involvement in the 2002 attack.

Property Restitution.—The government failed to enforce the law consistently with respect to restitution or compensation for confiscation of private property (see section 1.f.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, authorities frequently did not respect these prohibitions in practice. Authorities routinely, and in some cases forcibly, searched the homes of suspected regime opponents, minority religious groups, and relatives of those suspected in the 2002 attack. No evictions occurred during the year, but the threat persisted.

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. There was one government-controlled Internet service provider. The government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive sites. The government reportedly intercepted surface mail before delivery, and mail taken to the post office had to remain unsealed for inspection. The government closed the last remaining international courier service, DHL, and all business was diverted to state-run Turkmenpochta.

The government continued to engage in forcible resettlement, a practice observers stated was used to displace "internal enemies," political opponents, and ethnic minorities. According to the Turkmen Initiative for Human Rights and the Global IDP Project, during April the government forcibly resettled approximately 40, mostly ethnic Uzbek, families from border villages in Dashoguz Welayat to Balkan Welayat. In April 2004 the government took the homes and relocated the families of dismissed government officials to Dashoguz Welayat. Humanitarian conditions of the displaced persons were unknown, and international observers were unable to independently verify all reports of internal migration.

During the year the government continued to demolish large numbers of private homes, including those to which residents had valid legal title, as part of an urban renewal program to make way for construction in and around Ashgabat and elsewhere. In some of the worst cases, the government required evicted families to pay for removal of the rubble of their destroyed homes, reportedly gave persons as little as 12 hours to collect their belongings and vacate, and did not provide homeowners with alternate accommodations or compensation. Others were given two weeks notice to vacate and offered apartments or plots of land in compensation, albeit undeveloped or nonirrigated plots that resulted in the loss of livelihood for some.

In December authorities demolished a housing complex in the middle of Ashgabat, mostly inhabited by ethnic Russian retirees. Authorities gave less than two days notice of the demolition and no compensation other than a commitment to resettle the occupants in new housing within a year. Residents were told the demolition was in order to build new residential high-rises, but trees were planted at the location instead (see section 2.d.).

On April 18, the 2001 presidential decree restricting noncitizens from marrying citizens was amended to allow a noncitizen to marry a citizen after one year's residency in the country. There were no reports of such marriages under the new or the old law.

The government targeted family members of suspected or convicted criminals for abuse. In late March Major General Ruslan Tukhbatullin was forced to resign and vacate his military quarters with his family. His brother Farid Tukhbatullin was an exiled human rights defender and former prisoner of conscience.

On July 8, authorities prevented Larisa Aranbayeva from boarding a flight to Moscow because of charges against her former spouse who was living in St. Petersburg.

Authorities continued to punish individuals for the alleged violations of their family members, including with house arrest and detainment (see section 1.d.).

Harassment of the relatives of Saparmurat Yklymov, convicted as one of the primary plotters of the 2002 attack, continued.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, but the government did not respect these rights in practice. Persons expressing views critical of or different from those of the government were arrested on false charges of committing common crimes and in some cases subject to abuse, harassment, and deprivation, including loss of opportunities for advancement and employment.

Almost all print media was government financed. Foreign newspapers were banned. The government completely controlled radio and local television, but use of satellite dishes and access to foreign television programming was widespread.

During the year government agents reportedly subjected journalists to arrest, harassment, intimidation, and violence. In May the government banned local journal-

ists from all contact with foreigners unless specifically permitted. Journalists who did not comply were threatened with losing their jobs. On March 12, the government deported Russian news agency RIA Novosti correspondent Viktor Panov, following his February 24 arrest and detention, on suspicion of espionage.

The government denied telephone service to local RFE/RL correspondent Halmyrat Gylgychdurdyev for several months and dismissed his daughter from her position with the Ministry of Internal Affairs. The government continued to harass RFE/RL reporters and associates. There were no developments in the following RFE/RL cases: January 2004 MNB abduction and beating of an associate correspondent, March 2004 arrest of associate Ashyrguly Bayryev for smuggling novels into the country, April 2004 MNB beating of a Moscow-based correspondent, and the 2003 abduction and torture of Saparmurat Ovezberdyev, who received asylum overseas in 2004.

In March 78-year-old writer Rahim Esenov decided not to travel to Moscow for medical treatment, because of threats he received during the year connected with his February 2004 arrest on charges of instigating social, ethnic, and religious hatred. Esenov's crime was writing a biographical book about a medieval Turkmen figure, which was "inaccurate" according to President Niyazov. All copies of the book were confiscated.

The government censored newspapers; prepublication approval from the office of the president's press secretary was required.

To regulate domestic printing and copying activities, the government required all publishing houses and printing and photocopying establishments to obtain registration licenses for their equipment. The government required the registration of all photocopiers and mandated that a single individual be responsible for all photocopying activity.

All publishing companies were government-owned, and works on topics that were out of favor with the government, including fiction, were not published. The government-controlled Union of Writers expelled members who criticized government policy, and libraries removed their works.

The government kept Russian government-supported, Russian-language Radio Mayak transmissions off the air during the year.

The government required all foreign correspondents to apply for accreditation; however, there were no reported difficulties with foreign media outlet personnel changes during the year.

The government prohibited reporting the views of opposition political leaders or any criticism of the president. Criticism of officials was only permitted if directed at those who had fallen out of presidential favor; public criticism of officials was done almost exclusively by the president himself. Domestic journalists and foreign news correspondents engaged in self-censorship due to fear of government reprisal.

The government continued to dictate media focus on President Niyazov's achievements and his love of his people to amplify his cult of personality. The president personally approves the first page content every day of the major dailies, which always includes a prominent picture of him.

Journalists responded to the president's instruction to report on the poor cotton harvest openly, accurately, and critically.

Intellectuals and artists reported that security officials instructed them to praise the president in their work and warned them not to participate in receptions hosted by foreign diplomatic missions. Ministry of Culture officials temporarily were banned from attending foreign embassy functions after foreign embassy officials failed to attend official *Rukhnama* anniversary commemorative events. Plays required Ministry of Culture approval before opening to the public, to ensure against antigovernment or antipresidential content. Although classical music was still taught and performed throughout the country, there was little or no government support for non-Turkmen music.

While Internet access was available, government-owned Turkmen Telecom was the sole provider (see section 1.f.); generally only accredited journalists, embassies, and a few others had Internet access authority in Ashgabat. Access was prohibitively expensive for most citizens, and service was poor. Turkmen Telecom blocked access to RFE/RL's Turkmen Service Web site.

During the year the government increased already significant restrictions on academic freedom. It did not tolerate criticism of government policy or the president in academic circles, and it discouraged research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, or theology. No master's degrees or doctorates were granted since 1998 and the degrees were no longer available in the country. Government permission is required to study abroad and receive recognition of foreign degrees. UNICEF reported university enrollment decreased from 40 thousand in the 1990s to 3 thousand in 2004.

In September 2004 the *Rukhnama, Volume II* was published and teachers reported having to spend more class time on the *Rukhnama* rather than traditional academic subjects. Niyazov's poetry volume *The Spring of My Inspiration* was released prior to the opening of the school year and was also added to the curriculum. A second poetry volume, *My Beloved*, was released in November and was slated for incorporation into the curriculum.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, but the government restricted this right in practice. Authorities did not grant the required permits for any public meetings and demonstrations during the year. Unregistered organizations, particularly those perceived to have political agendas, were not allowed to hold demonstrations.

In June 2004 the MVD detained 50 women assembled outside the UN office to request support and protest house demolitions; the women were subsequently allowed to present their grievances to the Hakim and were released.

In February 2004 retired citizen Gurbandurdy Durdykuliev was forcibly detained in a psychiatric hospital after requesting permission from authorities to conduct a peaceful demonstration against President Niyazov's policies (see section 1.c.). Durdykuliev remained incarcerated at year's end.

Freedom of Association.—Although the law provides for freedom of association, the government restricted this right in practice. The law requires all NGOs to register with the Ministry of Justice, and all foreign assistance be registered with the State Agency for Investment, the Ministry of Justice, and coordinated through the Ministry of Foreign Affairs. Criminal penalties for unregistered NGO activity were abolished in November 2004; the government continued to routinely deny registration to NGOs and other private organizations using subjective criteria.

Of 89 registered NGOs, international organizations considered 7 of the NGOs to be independent; the last registration completed occurred in January. While some groups reported good cooperation with the Ministry of Justice in the registration process, other NGOs reported difficulties registering, such as frequently having their applications returned on technical grounds. Some NGOs found alternative ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups. Other groups considered themselves temporarily closed.

No political groups critical of government policy were able to meet the requirements for registration. The only registered political party was the Democratic Party, the former Turkmen Communist Party. The government did not prohibit membership in political organizations; however, in practice those who claimed membership in political organizations other than the Democratic Party of Turkmenistan were harassed.

In December a member of the Ikinciler Farmer's Cooperative was convicted of embezzlement. In the past the cooperative unsuccessfully attempted to run an independent candidate for local office and was critical of the government's agricultural policy. The collective farmers believed the conviction was politically motivated.

c. Freedom of Religion.—The law provides for freedom of religion, although the government restricted this right in practice. There is no state religion, but the majority of the population is Sunni Muslim. The government has incorporated some aspects of Islamic tradition into its efforts to redefine a national identity, but in practice the government closely controlled and monitored all religious activities and placed some restrictions on Muslims. The government required all religious groups and individual mosques and churches to register. Some groups reported confusion over registration requirements because of conflicting statements by government officials from different ministries.

In April five more religious groups were registered: Greater Grace Church, Church of Christ, Light of the East, Full Gospel Christians, and New Apostolic Church. At an October 20 government meeting with representatives of religious minority groups, the government explained that individual branches of religious groups could be temporarily registered by requesting representative powers of attorney from the registered branch of their particular group. Ten branch groups used this temporary registration mechanism, but only two groups met by the end of the year; the eight others were waiting for local government validation of the temporary registration process before meeting.

Nonregistered religious congregations such as Jehovah's Witnesses, a separate group of Baptists, and Evangelical Christian groups were present in the country, although the government restricted their activities. Nonregistered groups were officially prohibited from conducting religious activities.

The government-supported Council on Religious Affairs (CRA) was part of the government bureaucracy and appeared to exercise direct control over the hiring,

promotion, firing, and, in some cases, compensation of both Sunni Muslim and Russian Orthodox clergy.

Some members of minority religions claimed that law enforcement officers tortured and abused their members. During the year there were reports that government agents sexually harassed, detained, interrogated, evicted, and pressed religious minority group members to abandon their beliefs. Some were assessed fines.

On February 11, city officials warned Jehovah's Witness member Nazikgul Orazova to discontinue proselytizing; Orazova reported that, on March 2, MVD officers beat and threatened her with imprisonment and large fines while she was held for 8 hours in the sixth department of the MVD for questioning; she was detained again 4 times in March, and on April 5 was ordered to pay an approximately \$50 fine (1,250,000 TM) for proselytizing and possessing religious literature. On May 26, the court ordered the confiscation of her property to pay the fine.

In July, August, and September several minority religious organizations, registered and unregistered, complained that local police increased harassment, particularly in areas outside of Ashgabat. Baptists, Jehovah's Witnesses, and Seventh-day Adventists experienced disrupted meetings, detentions (including of children), and administrative fines.

Between July and August security forces broke up at least three Baptist meetings in Turkmenabat, Mary, and Dashoguz; members described harassment, detention, questioning, and at least one beating. Jehovah's Witnesses reported eight incidents of harassment or short-term detention for the same time period.

On July 11, authorities did not allow Pentecostal Church pastor Victor Mokrousov to cross the border into Uzbekistan at the Farap checkpoint. Forum 18 reported that three members of two other religious minority groups were prevented from leaving the country in October.

On July 19, Forum 18 reported that hearing and speech-impaired Independent Baptist Church member Asiya Zasedatelevaya was hit with her Bible during a local police raid on a worship service in her home.

On July 23, Krishna Consciousness Society of Turkmenistan member Cheper Annaniyazova was detained in a psychiatric hospital for illegally leaving the country in 2000 (see section 1.c.).

There were no developments in the September 2004 case of police detaining, harassing, and beating Jehovah's Witnesses.

The government controlled the establishment of Muslim places of worship and limited access to Islamic education. In March 2004 President Niyazov announced no more mosques would be built in the country. During the year one mosque, in Turkmenbashi, was destroyed. Minority religious groups reported difficulties in finding appropriate places of worship.

At the end of the year, an imam placed under house arrest in March 2004 was no longer confined.

Local police officers subjected ethnic Turkmen who converted to Christianity to official harassment and mistreatment, such as verbal abuse for denying their heritage by converting.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present in the country.

There was no official religious instruction in public schools; however, students were required to study the *Rukhnama* at all public schools and institutes of higher learning. Observers maintained the president used these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby influence citizens' religious and cultural behavior. Extracurricular religious education was allowed only with CRA and presidential permission.

On June 30, the Turkmen State University Theological Faculty was dissolved and absorbed into the history faculty. Only one institution of Islamic education remained open and the government controlled the curriculum.

Government-supported mosques were required to display copies of the *Rukhnama*.

Religious literature was not published in the country. Government representatives informed religious groups they could only import as much religious literature as corresponded to registered congregants.

Ethnic Turkmen members of unregistered religious groups accused of disseminating religious material received harsher treatment than members of other ethnic groups, particularly if they received financial support from foreign sources.

During the year the government controlled the number of people allowed to participate in the annual Muslim pilgrimage to Mecca (the hajj), specifying that only 188 pilgrims would be allowed to journey to Mecca, out of the country's quota of 4,600 persons.

Four Jehovah's Witness conscientious objectors were released from prison in April. In contrast to previous years, they reported no discriminatory abuse during their detention.

Societal Abuses and Discrimination.—There were two thousand self-identified Jews and no reports of anti-Semitic acts.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for full freedom of movement.

Internal passports and residence permits were required. The government controlled travel to border cities and regions, and large parts of the country were considered restricted zones.

The government maintained a list of persons not allowed to travel within or depart the country, which included some members of minority religious groups, regime opponents, relatives of those implicated in the 2002 attack, and those considered to possess "state secrets." The December 5 migration law stipulates that people with access to state secrets involved in education and military training may be denied travel abroad.

The government also refused to allow some study abroad and exchange program participants to attend the programs.

Citizens may only spend three days a month in neighboring Uzbekistan, under a 2004 summit agreement between President Niyazov and President of Uzbekistan Karimov, which in some cases impeded citizens' ability to visit relatives.

The law permits forced exile, and some individuals remained in forced exile; the government also used forced and internal exile as punishment during the year. The government confiscated the passports of political opponents to enforce internal exile during the year. Numerous former ministers and government officials dismissed from their positions and sent into internal exile remained under house arrest. The president proposed that the officials, who were sometimes accompanied by their families, could work off their sentences in internal exile. Almost all prominent political opponents of the government chose to move to other countries for reasons of personal safety; none returned during the year.

In April Alexander Fataliyev was exiled after he was detained and beaten by security forces for receiving foreign funding for his private educational center.

Sazak Begmedov remained in internal exile after being forced to leave Ashgabat in late 2003 after his daughter founded the Turkmenistan Helsinki Foundation in Bulgaria. In November local authorities prevented Begmedov from traveling to Ashgabat for medical treatment.

Maral Yklymova, the daughter of one of the accused organizers of the November 2002 attacks, remained under house arrest in Mary where she was regularly watched by security officials and periodically had her passport confiscated and telephone lines cut.

There were reports that authorities harassed ethnic Russians and confiscated their property to hasten their migration. In contrast to previous years, the government did not overtly discourage emigration of ethnic Turkmen living in Iran, Iraq, Turkey, and other countries and emigration of non-Turkmen from the former Soviet Union.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee or asylum status to some ethnic Turkmen from Afghanistan and Tajikistan, including other groups of ethnic Uzbeks and Russians. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and granted citizenship or legal residency to over 16 thousand individuals during the year. Most of those granted citizenship included ethnic Turkmen who had fled conflict in Tajikistan in the early 1990s, ethnic Uzbeks, and Russians. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Since the beginning of international military operations in Afghanistan, the government has cooperated with the UNHCR, the International Organization for Migration (IOM), and other international refugee and relief agencies to assist refugees from Afghanistan.

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 govern them. The constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government, but vests a disproportionate share of power in the presidency. In practice the president's power over the state was absolute; despite the appearance of decision making by consensus, all important and many minor decisions were made at the presidential level. Citizens swore a national oath of personal allegiance to President Niyazov, rather than just to the country or to the presidency as a general institution.

A constitutional amendment named President Niyazov chairman-for-life of the people's council, giving him substantial authority to approve any potential successor. A 1994 national referendum, which was neither free nor fair, extended the president's term to 2002, eliminating the 1997 scheduled presidential election. A 1999 law allowed an exception to constitutionally mandated term limits (normally two five-year terms) for President Niyazov, effectively permitting him a lifetime term in office. In effect, Niyazov makes the laws and determines candidates for elections.

Elections and Political Participation.—In 2004 parliamentary elections all candidates were pre-approved and were members of the Democratic Party. Many citizens had very little knowledge about the elections, including both the date and candidates' biographies. Foreign observers were not invited to monitor the elections.

Although the government did not prohibit membership in political organizations, political parties other than the president's Democratic Party were effectively banned, and those who claimed membership in political organizations other than the Democratic Party of Turkmenistan were harassed.

Authorities fired or threatened to fire supporters of opposition movements, removed them from professional societies, and threatened them with the loss of their homes. In addition some citizens who met with foreigners were subject to official intimidation.

There were 8 women in the 50-member parliament. Women were also represented in the 2,500-delegate people's council. Women served in a few government positions, including deputy chair of the parliament, acting chairman of the Central Bank (until she was removed in May), prosecutor general, minister of culture, and ambassador to the UN.

There was 1 member of a minority group in the 50-seat parliament. Ethnic minorities were also represented in the 2,500-delegate people's council. Preference for appointed government positions was given to ethnic Turkmen, but ethnic minorities occupied several high governmental positions. The largest tribe, the president's Teke tribe, held the most prominent roles in cultural and political life.

Government Corruption and Transparency.—Most statistical data was considered a state secret. There was no public disclosure of demographical data, and observers asserted that published economic and financial data was manipulated to justify state policies and expenditures.

While the president fired numerous officials of all ranks on justifiable charges of bribery, nepotism, abuse of office, and embezzlement, observers maintained that authorities used anticorruption campaigns to remove potential rivals.

Presidential apparatus chief administration officer and deputy chairman of the people's council Rejep Saparov was dismissed on July 1 and was serving a 20-year sentence for numerous convictions. Deputy Chairman for Energy and Industry Issues and Chief of the State Competent Agency for Exploration of Hydrocarbon Resources Yolly Gurbanmuradov was dismissed on May 20 and later sentenced to 25 years for crimes including embezzlement. Following Gurbanmuradov's purge, most of the Oil and Gas Ministry also was purged and the ministry was reorganized to deposit all decisions regarding the hydrocarbons industry with the president.

The president fired 15 officials for alleged corruption in the cotton harvest and state agricultural sector. The president also fired the head of the State Wheat Association, Kemal Atdayev, for receiving a bribe as well as his successor Tachberdy Shikhberdiyev for committing fraud.

On July 1, whistleblower Tachmyrat Shyhberdiyev was demoted from his post of Chairman of the Grain Products Association to Deputy Chairman and accused of embezzlement; Shyhberdiyev was reportedly demoted for telling the president that the year's harvest was actually lower than officially reported in the media. Shyhberdiyev was detained after the demotion but subsequently released and dismissed from the government.

There is no law that allows access to government information and in practice the government did not provide access. Requests for information were denied on the basis of information being a state secret.

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

There were no domestic human rights groups. The government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. During the year the government maintained pressure on nonpolitical social and cultural organizations. This included detention and routine summoning for questioning at security services.

There were no international human rights NGOs with an ongoing permanent presence in the country; however, the government permitted international organizations, including the OSCE, UNHCHR, and the ICRC; international human rights groups monitored the situation from abroad. Government restrictions on freedom of speech, press, and association severely restricted international organizations' ability to investigate and criticize the government's human rights policies. Officials were somewhat responsive to questions regarding alleged human rights abuses; during the year diplomats engaged in dialogue with the government on a number of religious freedom and human rights cases.

The UN Committee on Elimination of Racial Discrimination wrote a number of concerns and recommendations on the country, published in November, and noted the need for respect of the rule of law.

On January 27, the government accredited a new OSCE country director, after it had declined to renew accreditation of the OSCE country director in 2004, accusing her of focusing on negative information.

The National Institute for Democracy and Human Rights (IDHR), nominally headed by President Niyazov, oversaw the work of law enforcement agencies, the military, and the judiciary, but appeared to have little real authority. On February 1, the Committee on the Protection of Human Rights and Liberties was established in the parliament to oversee human rights-related legislation. The IDHR was mandated to support democratization and monitor the protection of human rights. The IDHR also maintained a human rights library. In principle the institute reviewed citizens' complaints and returned its findings to the individual and the organizations involved; however, the institute was not an independent body, and its ability to obtain redress was limited.

In July the institute released and distributed *Democracy and Law 2004* in three languages: Turkmen, Russian and English. The book, which represented government views on human rights protection in the country, was distributed to diplomatic missions and international organizations.

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

Although the law provides for equal rights and freedoms for all, independent of nationality, origin, language, and gender, violence against women and discrimination against ethnic minorities continued to be problems.

Women.—The law prohibits domestic violence, including spousal abuse, but is not effectively enforced. Anecdotal reports indicated that domestic violence against women was common; most victims of domestic violence kept silent, either because they were unaware of their rights or afraid of increased violence from husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat and several informal groups in other regions assisted victims of domestic violence.

Rape, including spousal rape, is illegal, with penalties of between 3 to 25 years based on the level of violence of the incident and whether the attacker is a repeat offender. The government generally enforced it effectively against citizens; however, it used rape as a threat against female family members of persons held for religious offenses (see section 2.c.).

Prostitution is illegal, but remained a growing problem throughout the country that the authorities did not counter effectively.

There is no law specifically prohibiting sexual harassment, and there were anecdotal reports that sexual harassment existed in the workforce.

Women had equal rights under family law, property law, and in the judicial system. Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. Women were restricted from working in some dangerous and environmentally unsafe jobs.

The government did not acknowledge or address discrimination against women.

Children.—The government did not take effective steps or have adequate resources to fully address the needs of children.

The government provided nine years of basic education for girls and boys. Primary and secondary education was free and compulsory. The government stated approximately 95 percent of children between the ages of 7 and 16 attended school on a regular basis; however, a 2003 UN Development Program report listed school attendance at 81 percent. Most children completed school and some went on to university and vocational schools. Although children no longer worked in the cotton fields in a number of agricultural areas, schools were disrupted because teachers were called to pick cotton.

A 2000 presidential decree continued to reduce the number of teachers; class sizes therefore continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased (see section 2.a.). The amount of classroom time dedicated to learning the *Rukhnama I* and *II* and other books by Niyazov increased during the year, dramatically reducing the school time available for basic core academic subjects. During the year the government limited courses taught in non-Turkmen languages, further degenerating the secondary school system and educational opportunities. There were no Turkmen-language curricula or textbooks in many subject areas and at most grade levels.

Poverty and healthcare problems led to a high rate of infant mortality. By law the government provides free health care for children until the age of 18. Children are entitled to consultations with doctors and specialists, and vaccinations, except for hepatitis B, are free for children that are at least one-year old. Hospital care is also free; however, observers noted that parents regularly had to pay bribes for service and provide medicines and syringes necessary for treatment.

There were isolated reports of child abuse.

Some child labor was seen in the cotton fields during the harvest; however, this was not encouraged by the government and contrary to a presidential decree (see section 6.d.).

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, articles in the criminal code deal with sexual exploitation and prostitution, slavery, and encouraging illegal border crossing prohibit trafficking de facto. Women were trafficked to, from, or within the country; however, trafficking was not a significant problem.

Traffickers are subject to between two and eight years' imprisonment and the confiscation of property, depending on which law they are convicted under.

The State Service for the Registration of Foreigners (SSRF) is responsible for combating trafficking, and officers participated in a July North Atlantic Treaty Organization/Partnership For Peace training of law enforcement officials hosted by the Turkish military.

In December 2004 the IOM reported that airport and border officials facilitated the repatriation of a trafficking victim from Turkey, whose traffickers had forcibly taken her passport and identification documents.

There were six known cases of trafficking in persons and one successful prosecution on charges of sexual exploitation, slavery, and encouraging deceitful border crossing.

Victims involved in these cases were reportedly trafficked to Turkey, although Iran was assumed also to be a trafficking destination. NGOs noted that young women from minority ethnic groups were most vulnerable to being trafficked.

The Ministry of Justice worked with foreign embassies and international organizations to promote public awareness of trafficking issues.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities, although various regulations contradict the law, in effect nullifying it. Persons with disabilities encountered discrimination in employment, education, access to health care, and other state services. Many persons with physical disabilities were systematically categorized as mentally disabled and housed at facilities for the mentally ill. The government provided subsidies and pensions for persons with disabilities, although they were inadequate to maintain a decent standard of living. Some groups of students with disabilities were unable to obtain education because there were no teachers. Students with disabilities did not fit the unofficial student university profile and were not admitted to universities. Children with disabilities, including those with mental disabilities, were placed in boarding schools. They were to be provided with educational and future employment opportunities if their condition allowed them to work; in practice neither was provided.

Although the law requires that new construction projects include facilities to allow access by persons with disabilities, compliance was inconsistent and older buildings were not accessible.

National/Racial/Ethnic Minorities.—The law provides for equal rights and freedoms for all citizens, although the president has previously made statements promoting the importance of ethnic purity. Approximately 77 percent of the population was Turkmen, 9 percent Uzbek, and 7 percent Russian. There were smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Turkmen themselves are divided into five main tribes: the Teke, the Yomut, the Ersary, the Yasyr, and the Goklen. Several minority groups tried to register as NGOs in order to have legal status for cultural events. No minority groups succeeded in registering by year's end, although the Polish minority application was pending.

During April approximately 40, mostly ethnic Uzbek, families from border villages in Dashoguz Welayat were reportedly forcibly resettled to Balkan Welayat (see section 1.f.).

The law designates Turkmen as the official language, although it also provides for the rights of speakers of minority languages. While Russian remained prevalent in commerce and everyday life, the government intensified its campaign to conduct official business solely in Turkmen. During the year the government required employees of ministries to pass tests demonstrating knowledge of the *Rukhnama*, state symbols, and professional subjects in Turkmen; employees who failed the exam were dismissed. Turkmen was a mandatory subject in school, although it was not necessarily the language of instruction. Teachers and staff at Turkish schools were systematically replaced with ethnic Turkmen teachers and administrators.

Non-Turkmen complained that some avenues for promotion and job advancement were closed to them and only a handful of non-Turkmen occupied high-level jobs in the ministries. In some cases applicants for government jobs had to provide family information on their ethnicity going back three generations. Non-Turkmen were often the first targeted for dismissal when government layoffs occurred. There was societal discrimination against ethnic minorities, specifically Russians.

Other Societal Abuses and Discrimination.—There was a strong societal dislike of homosexuality. Homosexuality between men is illegal and punishable by up to two years in prison; it was believed that homosexuality between women would also be considered illegal, although it is not specifically written in law.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form or join unions; however, in practice the government does not permit independent unions. Under the umbrella organization Center for Professional Unions of Turkmenistan, led by a presidential appointee, there were numerous professional unions in most fields, including medicine, construction, and banking. Some unions circumvented government restrictions on independent unions by registering as public associations (or NGOs), for example, the unions of accountants, economists, entrepreneurs, and leaseholders. The law does not prohibit antiunion discrimination by employers against union members and organizers and there were no mechanisms for resolving complaints of discrimination; however, there were no reports of discrimination.

b. The Right to Organize and Bargain Collectively.—Unions may not legally conduct activities, and the government controlled and interfered in union activities. The law does not protect the right of collective bargaining. There is no law regulating strikes or retaliation against strikers, and strikes were extremely rare.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports it occurred (see sections 1.c. and 6).

The government prohibits forced and compulsory labor by children, and on February 1, the president signed a law banning child labor and stated no children would participate in the cotton harvest. Journalists accused local officials of using children to complete the cotton harvest, and observers saw children working in fields. However, there was a dramatic decrease in the number of children working in the fields.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace but they were not implemented effectively. The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday was 8 hours). A 15-year-old child may work 4 to 6 hours per day with parental and trade union permission, although such permission was rarely granted. Child labor laws were not effectively enforced in practice, although implementation appeared to have improved during the year.

e. Acceptable Conditions of Work.—The minimum monthly wage in the state sector of approximately 1 to 1.5 million TMM (approximately \$40 to \$60 at the unofficial rate) per month did not provide a decent standard of living for a worker and family.

The standard legal workweek is 40 hours with 2 days off. Individuals who worked fewer hours during the week or were in certain high-level positions can also work on Saturdays. The law states overtime or holiday pay should be double the regular payment; maximum overtime in a year is 120 hours and cannot exceed 4 hours in 2 consecutive days. This law, however, is not enforced.

The government did not set comprehensive standards for occupational health and safety. Industrial workers in older factories often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.

UKRAINE

Ukraine, which has a population of approximately 47 million, is a republic with a mixed presidential and parliamentary system, governed by a directly elected president and a unicameral Rada (parliament). A presidential election was held in October 2004, followed in November 2004 by a second-round runoff between Prime Minister Viktor Yanukovich and opposition leader Viktor Yushchenko. Massive fraud conducted on behalf of Yanukovich during the runoff election triggered the largest nonviolent protest movement in the country's modern history, known popularly as the Orange Revolution. The Supreme Court ruled the runoff to be invalid and ordered that a repeat runoff election take place in December 2004. The December 2004 runoff, which Yushchenko won, and the short campaign preceding it were substantial improvements. The civilian authorities generally maintained effective control of the security forces.

While the government's human rights performance significantly improved in important areas, most notably in freedom of expression and freedom of assembly, in a number of respects it remained poor. The following human rights problems were reported:

- three deaths in custody under suspicious circumstances
- torture in pretrial detention facilities
- violent hazing of conscripts
- wrongful confinement in psychiatric hospitals
- harsh conditions in the penal system and pretrial detention facilities
- arbitrary detention, lengthy pretrial detention, and long trial delays
- government monitoring of private communications and movements of individuals without judicial oversight
- limitations on press freedom through use by government employees and private individuals of punitive libel laws and intimidation of investigative journalists
- continuing registration difficulties for a few religious communities and property restitution difficulties for many others
- anti-Semitic acts
- abuse of refugees at detention facilities
- serious corruption in all branches of government and the military services
- violence and discrimination against children and women, including sexual harassment in the workplace
- trafficking in persons
- frequent harassment of minorities, including vigilante violence used against Tatars in Crimea
- inadequate labor legislation that permitted both government and companies to restrict legitimate labor activity
- government efforts to influence trade union elections

There were notable improvements following the Orange Revolution. There was increased accountability by police officers, and prison conditions continued gradually to improve. The mass media made significant gains in independence. Interference with freedom of assembly largely ceased, and most limitations on freedom of asso-

ciation were lifted. The government moved to reduce its role in the sphere of religion. A wide variety of domestic and international human rights groups generally operated without government harassment. The government also increased its investigation and prosecution of suspected human traffickers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed politically motivated killings, but the media reported that the police beat to death at least three individuals while they were in custody.

On April 7, police officers in Zhytomyr beat to death an unidentified 36-year-old man while he was detained on charges of petty hooliganism. The media reported on July 23 that the Zhytomyr regional prosecutor opened a criminal case against an unspecified number of police officers for “deliberately inflicting injury on a person” and “exceeding authority.”

On September 26, the newspaper *Kievskiy Vidomosti* reported that police in Kherson beat to death a suspected thief; the newspaper noted that a police officer involved in the incident had been detained.

According to media reports and a major human rights group, 21-year-old Armen Melkonyan was beaten to death by police in a Kharkiv pretrial detention center on December 17. According to media reports, the detention center director, Serhiy Tkachenko, attempted to cover-up the incident. Senior Kharkiv Region officials told members of the Kharkiv human rights non-governmental organization (NGO) community that an autopsy confirmed that Melkonyan’s death was the result of physical violence, despite Tkachenko’s claim that Melkonyan died of natural causes. The cause of death was “asphyxia and blockage of respiratory tract due to vomiting”; the results also showed that Melkonyan had suffered a serious head injury. In response to criticism from the press, the human rights community, and Melkonyan’s family, the prosecutor’s office opened a criminal investigation on December 23.

No further progress was reported in the case of Melitopol resident Mykola Zahachevsky, who died in April 2004 in the city’s pretrial detention facility under suspicious circumstances.

The media reported that, on February 11, police questioned former governor of Zakarpattia Region, Ivan Rizak, for 10 hours about the suspicious May 2004 death of the longtime Rector of Uzhhorod State University, Volodymyr Slyvka. They released him following the questioning and, as of year’s end, no criminal charges had been filed against him in connection with Slyvka’s death.

Human rights groups asserted that soldiers continued to kill other soldiers during violent hazing events, although officials denied that any servicemen had died because of physical violence (see section 1.c.).

There were no indications that the authorities intended to investigate further a number of Kuchma-era killings that had earlier given rise to charges of foul play. They declined to release any additional information, either to the public or to a special parliamentary investigating commission, about the August 2003 death of Ivan Havdyda, deputy head of the Ukrainian People’s Party. There were no indications that authorities were investigating the November 2003 death of Yuriy Bosak, a leader of the Reforms and Order Party in Khmelnytsky Region, who was found hanging in a forest. His death had been ruled a suicide. The Prosecutor General’s Office (PGO) continued to decline to investigate the December 2003 death of Volodymyr Karachevtsev, head of Melitopol’s independent journalists’ union and a deputy editor at the independent newspaper *Courier*. Karachevtsev, who wrote frequently about corrupt local officials, was found hanging by his sweater on the handle of his refrigerator. Despite clear evidence to the contrary, local authorities ruled the case a suicide.

As of year’s end there were no verdicts in cases related to the 2001 killing of Ihor Aleksandrov, the director of a Donetsk Regional television station, a crime that remains the subject of significant domestic interest. According to the media, trials of a group of 12 persons on a variety of charges related to the killing and a subsequent attempted cover-up were ongoing. The cases were being heard by the Luhansk Court of Appeals at the direction of the Supreme Court, which expressed a lack of confidence in the Donetsk Court of Appeals, the original venue for the trials. The killing of Aleksandrov, who had aired a number of critical reports about Donetsk-based politicians and was a noted critic of corruption within local law enforcement organizations, has been attributed to his professional activities.

During the year there were several major developments in the unresolved 2000 killing of prominent journalist Heorhiy Gongadze, whose decapitated body was iden-

tified in November 2000 after his disappearance two months earlier. On March 2, the PGO announced that three senior police officers who had taken part in the abduction of Gongadze had been arrested and had described the killing of the journalist in detail; their trial was scheduled for January 2006. The PGO also announced that an international arrest warrant had been issued for a fourth senior police official, General Oleksiy Pukach, who had fled the country. Authorities announced that, on March 4, the former minister of internal affairs, Yuri Kravchenko, shot himself to death at his home in Kiev on the morning he was to have faced questioning about his role in the Gongadze case. Authorities concluded this despite the fact that Kravchenko had two gunshot wounds in his head. According to the media and to Gongadze's widow, former minister Kravchenko was the official who ordered Gongadze's killing at the behest of then-President Leonid Kuchma.

Meanwhile, the European Court of Human Rights (ECHR) held unanimously that the Ukrainian authorities had violated the rights of Gongadze's widow, Myroslava, in several ways, including failing to protect Gongadze when he was alive and conducting an inadequate investigation into his death. The ECHR awarded Myroslava Gongadze \$120 thousand (UAH 600 thousand) in damages. The results of a protracted parliamentary investigation into the case were delivered to members of parliament and made public September 20 by member of parliament Heorhiy Omelchenko.

In February, April, and May, major newspapers reiterated allegations that gangs of rogue officers of the Ministry of Internal Affairs (MOI), colloquially known as "werewolves," had been involved in previous years in killings and kidnappings connected to organized crime, but there were no indications that these allegations were being actively investigated.

During the year politicians, politically active businessmen, and journalists were the victims of attacks that sometimes were fatal and may have been politically motivated; however, business, government, and criminal activities were intertwined to such an extent that it was often difficult to determine the motives. For example, the press reported on November 29 that former Lviv Region Governor Stepan Senchuk had been shot and killed in an apparent contract killing by unidentified gunmen in a village outside Lviv. Senchuk, a businessman, had joined President Yushchenko's People's Union/Our Ukraine party earlier in the year.

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

There were no developments in the 2003 disappearance of Vasyl Hrysyuk, a reporter for the newspaper *Narodna Sprava* in the Lviv Region town of Radekhiv. There were no indications that the authorities were actively pursuing this case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, police frequently employed severe violence against persons in custody.

On September 24, Amnesty International released a report charging that law enforcement officers routinely extracted confessions and testimonies from detainees through force, often resorting to torture, and criticized the authorities for failing to clamp down on such behavior by police and prison officials. According to an August 2004 Fifth Channel television program, police frequently beat detainees, hung them upside down, and doused them with water. According to the program, police officers tortured individuals to extract confessions or simply to get money; a lawyer interviewed on the program said he had been taken into custody and beaten until he agreed to pay approximately \$5 thousand (UAH 25 thousand) to a policeman. According to a survey of former police detainees published in October by the Kharkiv-based Institute for Social Research, approximately 62 percent reported that they had been ill-treated while in detention in Kharkiv. More than 44 percent said police officers had twisted their arms, legs, or necks during interrogation, while nearly 33 percent reported that they had been kicked or punched by police officers.

During an October 11 meeting with representatives from the Council of Europe, Human Rights Ombudsman Nina Karpachova acknowledged that torture continued to occur in pretrial detention facilities.

There were multiple and credible reports from human rights NGOs and diplomats that authorities regularly abused refugees during the year at refugee detention centers in Zakarpattia Region, which borders European Union (EU) member states Poland, Slovakia, and Hungary (see section 2.d.).

During the year authorities stepped up efforts to prosecute police officers who abused persons in detention. According to the media and Minister of Internal Affairs Yuriy Lutsenko, as of September 1, the PGO had opened 496 criminal cases against police officers for detention-related abuses, compared to 209 such cases opened during all of 2004. One human rights NGO official reported that, as a consequence of

greater scrutiny of police behavior, police engaging in mistreatment of detainees increasingly used masks or hoods to avoid identification.

The media reported that police in Uzhhorod struck opposition members of parliament Nestor Shufrych and Tamara Proshkuratova during a May 20 protest inside the hospital room of former Zakarpattia Region Governor Ivan Rizak. Shufrych and Proshkuratova were attempting to prevent police from moving Rizak, an accused criminal, to a pretrial detention facility; some scuffling reportedly ensued when Proshkuratova handcuffed herself to Rizak. On June 14, according to the media, Minister of Internal Affairs Lutsenko announced that an unspecified number of police officers involved in the incident had been reprimanded for misconduct.

The authorities charged former Sumy Region governor Volodymyr Shcherban with ordering a violent assault on unarmed student protesters in August 2004. He fled the country to avoid facing criminal charges.

As of year's end the investigation was continuing into the September 2004 poisoning of then-opposition presidential candidate Viktor Yushchenko.

There were no indications that the authorities intended to pursue the 2004 assault of Andriy Volynets, son of a prominent pro-Yushchenko member of parliament.

There were no developments in a number of 2003 incidents, including the torture of detainees by police officers in Poltava, the abuse of a criminal suspect by a senior police officer in Zaporizhzhya, and the severe beating of a prisoner in a Donetsk Region prison which resulted in the amputation of the prisoner's feet.

The law prohibits the abuse of psychiatry for political and other non-medical reasons and provides safeguards against such abuse, but on a few occasions, according to human rights groups, persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The confinement often resulted from the corruption of psychiatric experts and court officials. For example, the media reported on August 31 that local prosecutors in Kharkiv had opened a criminal case against an unspecified number of doctors at the city's main psychiatric hospital for accepting a \$1,500 (UAH 7,500) bribe to prepare an official certificate falsely stating that a patient was mentally ill. The false certificate was prepared at the request of the patient's mother.

Persons diagnosed with mental illness risked being confined and treated by force, declared not responsible for their actions, and stripped of their civil rights and property without being present at the hearings or notified of the ruling. According to the director of a human rights organization that closely monitors the rights of the mentally ill, prominent Soviet-era dissident Seymon Gluzman, there were fewer cases of such abuse during the year than in 2004. In an October 7 interview with the national newspaper *Den*, Gluzman attributed the decline in abuse to increased press reporting on the subject and to better protection of the mentally ill by the country's legal community.

According to the Ukrainian Psychiatric Association, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuse of psychiatry.

Despite extensive legislation to protect the rights of service members and the existence of regulations governing relationships among military personnel, reports continued during the year of violence against conscripts in the armed forces. Although military officials reported there were no deaths due to soldier-on-soldier physical violence, the Association of Soldiers' Mothers (ASM) reported that violent hazing continued to be widespread and asserted that a Kiev-based soldier from Zhytomyr Region was beaten to death in a January hazing incident. Senior conscripts frequently beat recruits and forced them to give up money and gifts they received from home, a practice known as "*dedovshchina*." According to the ASM, garrison prosecutors often did not investigate complaints of hazing, accepted bribes not to press charges against the perpetrators of such violence, or delayed the start of trial proceedings until potential witnesses were discharged from the military. The ASM also asserted that in at least three cases in Simferopol, Luhansk, and Sumy, garrison prosecutors had soldiers who complained about hazing wrongfully confined to psychiatric hospitals. Punishment administered for committing or condoning hazing was insufficient to deter further abuses. For example, the Kharkiv Human Rights Protection Group reported in August that a Kharkiv-based junior sergeant was sentenced to only four months in detention for repeatedly assaulting lower-ranking soldiers.

Police abused Roma and harassed and abused dark-skinned persons. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, vigilante violence against them, especially in Crimea (see section 5).

A number of journalists were subjected to physical reprisals that may have been related to their professional work (see section 2.a.).

Prison and Detention Center Conditions.—Although prison conditions remained poor, they continued to improve slowly as a result of reforms in the penal system. Prison officials reported that, due in part to the decriminalization of many offenses and the increasing use of alternative sentencing practices, there was a reduction in the number of inmates in prison, which eased overcrowding. Nevertheless, prisons were sometimes overcrowded or lacked adequate sanitation and medical facilities.

According to official statistics from the State Penal Department (SPD), there were 708 deaths in prisons and 159 deaths at pretrial detention facilities during the year (see section 1.a.). Although tuberculosis in prisons continued to be of concern, officials stated that mandatory screening of all new inmates for the disease had reduced infection rates. SPD officials stated that inmates with tuberculosis were isolated from the general population and treated at one main prison hospital complex in Kharkiv Region. Human rights groups noted that only convicted criminals, and not persons in pretrial detention, had access to specialized tuberculosis care.

There were numerous press reports describing harsh prison conditions, and this issue was highlighted when President Yushchenko visited a prison in Zhytomyr Region on February 8. Inmates complained to him at length about poor living conditions, poor lighting, degrading treatment by prison guards, limitations on the number of parcels from relatives, and limitations on meetings with relatives. The president publicly acknowledged the need to improve prison conditions.

Conditions in pretrial detention facilities were harsher than in low and medium security prisons. There were reports that inmates in pretrial facilities were sometimes held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. In a January 27 incident reported in the national daily newspaper *Den*, the mother of a detainee in Kryvyy Rih threatened to set herself on fire to protest poor conditions and mistreatment at the city's pretrial detention facility. Overcrowding was more common in these centers than in prisons.

The SPD and the MOI, in cooperation with the NGO community and foreign governments, implemented a number of professional development programs for prison and police officials, most notably in Chernihiv Region and at the Lukyanivska pretrial detention facility in Kiev Region.

In contrast to 2004, the government allowed prison visits by human rights observers and granted full access to prisons and pretrial detention facilities. The Ukrainian Red Cross said that, unlike in the past, all of its prison and pretrial detention center access requests were granted. The Red Cross characterized its cooperation with the government as "excellent," noting, for example, that the government responded to its written inquiries about specific prisoners. Prisoners and detainees were permitted to file complaints with the ombudsman for human rights about the conditions of detention, but human rights groups reported that prisoners were sometimes punished for doing so.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, these remained problems.

Role of the Police and Security Apparatus.—The minister of internal affairs is responsible for the police. He is a member of the cabinet and reports to the prime minister. The Security Service of Ukraine (SBU) reports directly to the president. The State Tax Administration, which exercises law enforcement powers through the tax police, is accountable both to the president and the cabinet. The PGO prosecutes criminal cases. Legislation enacted in 2003 to provide civilian control over the army and law enforcement agencies authorizes parliamentarians to conduct investigations, including public hearings, into national security and defense issues. The legislation also broadened the authority of the human rights ombudsman to initiate investigations into the activities of the armed forces as well as those of law enforcement bodies.

Police corruption remained a problem. For example, many inhabitants encountered corruption in their dealings with the traffic police. A 2003 law prohibiting the police from stopping vehicles and levying immediate fines produced some positive results, but traffic-stop shakedowns still regularly occurred and prompted President Yushchenko to issue a decree abolishing the traffic police department in July and turning it into the State Service for Traffic Safety. However, the media reported that, as of year's end, the traffic police continued to function. The MOI asserted that the parliament needed to pass legislation to reform the traffic police.

Authorities, including the minister of internal affairs, made significant efforts to end police abuses, including taking disciplinary action against law enforcement authorities who committed them. According to the MOI, as of year's end, 190 police officers had been dismissed for cause, 2,072 were punished with administrative dis-

ciplinary actions and 683 were under investigation for corruption-related offenses. However, impunity still remained a serious problem (see section 1.c.).

Arrest and Detention.—By law, the authorities may detain a suspect for three days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration may petition the court for an additional 15-day detention. The law permits citizens to contest an arrest in court or appeal it to the prosecutor. The law requires that officials notify family members immediately concerning an arrest, although human rights NGOs noted that sometimes the police did not do so.

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. However, on June 2, Deputy Minister of Justice Inna Yemelyanova noted that in practice this often did not occur, which legal observers said provided the police with critical time to coerce confessions. There were insufficient numbers of defense attorneys to protect suspects from unlawful and lengthy detention under extremely poor conditions. Moreover, attorneys often refused to defend indigents for the low fee the government provided. Member of parliament Mykola Onischuk asserted that access to a defense attorney was essentially dependent on the social status and financial resources of the accused.

The police arbitrarily detained persons, particularly dark-skinned persons, for extensive document checks and vehicle inspections (see sections 2.d. and 5).

Opposition politicians, many associated with the previous regime, accused the Yushchenko administration of continuing the practice of employing trumped-up criminal charges to detain persons who were openly critical of the government or challenged the interests of powerful business or political figures close to the government (see section 1.e.). For example, opposition politicians pointed to the April 6 detention of former Donetsk regional council head Borys Kolesnikov as an example of such an abuse. The government denied the accusations; major human rights organizations, moreover, uniformly concluded that the opposition claims had no merit.

Although the law provides for the imposition of monetary bail, it was rarely used; many defendants could not pay the monetary bail amounts imposed by law. Courts sometimes imposed restrictions on travel outside a given area as an alternative to pretrial confinement. Generally, however, they opted to place individuals in pretrial detention facilities, a practice that human rights observers criticized as costly and contributing to overcrowding.

Lengthy pretrial detention remained a problem. While the law provides that pretrial detention may not last more than 2 months, in cases involving exceptionally grave offenses a judge of the Supreme Court may extend detention to 18 months. Moreover, by law, a trial must begin no later than three weeks after criminal charges have been formally filed with the court, but this requirement was rarely met by the overburdened court system. Individuals remained in detention for protracted periods of time. Months, or at times years, may pass before a defendant finally is brought to trial, and the situation did not improve during the year (see section 1.e.) For example, a Kiev newspaper reported on November 10 about a man who was held at the Lukyanivska pretrial detention facility in Kiev for eight years without ever being tried or sentenced.

Amnesty.—In May the parliament passed an amnesty for 17 thousand prisoners that the president had proposed. The amnesty covered prisoners who were minors when they committed their crimes, parents with small children or children with disabilities. Also included were pregnant women, women over the age of 50, men over the age of 55, war veterans, persons with serious disabilities, prisoners with active tuberculosis, prisoners with cancer, and those infected with HIV/AIDS.

On September 22, the president proposed a blanket amnesty to individuals who violated electoral fraud laws during the 2004 presidential elections. The amnesty proposal was part of a broader political compromise with the supporters of opposition leader Yanukovich. The Committee of Voters of Ukraine (CVU), the country's top electoral watchdog organization, criticized the proposal, but observers noted that 2006 is the earliest that lawmakers could consider such an amnesty (see section 3).

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but in practice, the judiciary remained dependent upon, and subject to various forms of pressure from the executive branch. At times the pressure included political interference in the form of phone calls to judges by government officials. However, the head of the Supreme Court emphasized to the press on June 11 that, in contrast to the Kuchma era, when he had been called by senior Kuchma administration officials and given instructions on how to rule in specific cases, he had received no such calls under the Yushchenko administration.

The judiciary also suffered from corruption and inefficiency.

There were indications that suspects often bribed court officials to drop charges before cases went to trial or to lessen or commute sentences. On October 7, President Yushchenko said that every month, four to seven prosecutors and several judges were arraigned for engaging in such corrupt conduct. For example, the media reported on September 23 that a criminal case was opened against the district prosecutor of Aleksandriya District, Kirovohrad Region, for demanding a bribe of \$5 thousand (UAH 25 thousand) from a defendant in exchange for attempting to reduce the defendant's sentence.

Except for the Supreme Court, the courts were funded through the Ministry of Justice (MOJ), which controlled the organizational support of the courts. MOJ responsibilities included staffing matters, training for judges, logistics and procurement, and statistical and information support. The judiciary lacked adequate staff and funds, which engendered inefficiency and corruption and increased its dependence on the executive. In March 2004 the ECHR ruled that the country was failing to provide an effective way to secure defendants' rights to a fair trial in a reasonable length of time. However, the NGO Freedom House reported "judicial independence" improved during the year.

Failure to enforce court decisions in civil cases also undermined the authority and independence of the judicial system. The State Executive Service is responsible for enforcing most civil decisions, and the number of cases referred to it continued to grow. Existing provisions permitting criminal punishment for noncompliance with court decisions were rarely used. The chairs of the Supreme Court, the regional courts, and of the Kiev Municipal Court (or their deputies) have the authority to suspend court decisions, which provided additional opportunities for outside interference, manipulation, and corruption.

In contrast to 2004, there were no credible reports that the government sought to dismiss politically unsympathetic judges by selective charges of criminal or unethical behavior.

The law provides for a unified system of courts consisting of a Constitutional Court, a system of courts of general jurisdiction that includes the Supreme Court and specialized commercial courts, and military courts. General jurisdiction courts are organized on four levels: local courts, regional appellate courts, specialized high courts (the High Commercial Court), and the Supreme Court. Commercial courts were intended to operate as specialized courts within the single unified system of courts. As a result, the Supreme Court may review their judgments, including those rendered by the High Commercial Court. Military courts are specialized courts that hear only cases involving military personnel.

By law, the president has the authority, with the agreement of the MOJ and the chair of the Supreme Court, or of a corresponding higher specialized court, to establish and abolish courts of general jurisdiction. The president is empowered to determine the number of judges within the courts, upon the recommendation of the State Judicial Administration (SJA) and with the agreement of the chair of the Supreme Court. He is authorized to appoint and remove chairs and deputy chairs of courts, who serve five-year terms based on recommendations of the Judicial Council (the executive body of the Congress of Judges), and to establish appellate commercial and appellate administrative courts. The president, upon the recommendation of the prime minister and concurrence by the Judicial Council, appoints the head of the SJA.

Regional courts, including the Supreme Court of Crimea and the Kiev and Sevastopol city courts, serve as courts of appeal. They may examine evidence independently in a case, call for additional witnesses or evidence, and overrule the judgment of a lower court.

The Constitutional Court consists of 18 members appointed for 9-year terms, 6 each by the president, the parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the constitution, and it determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic.

The Supreme Court is the country's highest appellate body. Human rights groups, the media, and legal watchdog organizations noted that the court continued to show independence during the course of the year.

Trial Procedures.—The constitution includes procedural provisions intended to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives; however, these rights were limited by the absence of implementing legislation, which left a largely Soviet-era criminal justice system in place. The defendant is formally presumed innocent, but the high conviction rates of the Soviet era continued to prevail. While these conviction rates suggested that judges gave excessive weight to the prosecution, they may also have re-

flected a traditional unwillingness of prosecutors bring cases to court that might result in acquittal.

The law provides for broad use of juries, but a system of juries had not been implemented, and as a result juries were not used during the year. Most cases were decided by judges who sit singly, although the law requires that two judges and three public assessors (lay judges or professional jurors with some legal training) must hear cases that involve the possibility of a life prison sentence, the maximum penalty in the country's criminal justice system.

In contrast to 2004, human rights organizations did not charge that the PGO practiced selective prosecution against the political or economic opponents of the president and his allies, although political opponents associated with the previous regime made such allegations. For example, a few opposition politicians asserted that only supporters of former prime minister Yanukovich were prosecuted for electoral fraud committed during the 2004 presidential elections. The government denied the charge, though it declined to provide information about the political affiliations of those convicted for such fraud. The CVU criticized the Yushchenko administration for prosecuting only low-level former government officials for electoral fraud.

While the law specifies that a suspect or prisoner may talk with a lawyer in private, human rights groups reported that prison or investigative officials occasionally denied this client-attorney privilege. To protect defendants, all investigative files must contain signed documents attesting that they have been informed of the charges against them, of their right to an attorney at public expense, and of their right not to give evidence against themselves or their relatives. However, officials sometimes verbally and physically abused defendants to obtain their signatures. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures; however, many remained unaware of these safeguards.

The law provides that the names and addresses of victims and witnesses may be kept confidential if they request protection due to fear for their lives. However, criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives, but the unit had not begun operation by year's end, and trial participants were vulnerable to pressure. Because of lack of funding, a witness protection law was also in abeyance.

Citizens have the right to appeal criminal and civil verdicts to their local appellate courts. Appellate court decisions may also be appealed to the criminal chamber of the Supreme Court.

Political Prisoners.—There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although the law prohibits such actions, in practice authorities infringed citizens' privacy rights. By law, the SBU may not conduct intrusive surveillance and searches without a court-issued warrant; however, elements within the government reportedly continued to monitor arbitrarily the private communications and movements of individuals.

The PGO has the constitutional responsibility to ensure that law enforcement agencies, including the SBU, observe the law; however, the extent to which the prosecutor general used his authority to monitor SBU activities and to curb excesses by security officials was unknown. The constitution gives citizens the right to examine any dossier concerning them in the possession of the SBU and to sue for physical and emotional damages incurred by an investigation. Authorities did not respect this right in practice, however, as the necessary implementing legislation had not been enacted.

On February 15, President Yushchenko ordered the SBU and all government organizations to end illegal surveillance of any kind. Then-SBU Chief Oleksandr Turchynov told the press on July 19 that the SBU no longer engaged in illegal surveillance operations and had created an office for combating illegal wiretapping. He also instructed other government organizations to turn in their wiretapping equipment. However, Human Rights Ombudsman Karpachova asserted in a July 7 interview with Fifth Channel television that the practice of bugging telephone conversations was so widespread that the country was experiencing a "bug epidemic." Moreover, the head of the parliamentary committee on Combating Organized Crime and Corruption, Volodymyr Stretovych, stressed in an August 12 media interview that, despite President Yushchenko's February 15 order, "nobody in Ukraine is immune from eavesdropping." Parliamentary Speaker Lytvyn complained to the media in

April and May about continued police surveillance of him, but on November 4 told the press that the “surveillance and phone tapping” had ended.

An administrative decree, adopted by the State Committee on Communications in 2003, gives the SBU broad powers to monitor Internet publications and e-mail. Telecommunications operators are required to install at their own expense equipment allowing “authorized agencies” to monitor Internet activity conducted over their services. The stated goal of the requirement was to fight corruption and further the country’s integration into the European Community, but human rights organizations have expressed concern that it gives the SBU broad authority and opportunity to monitor the activities of citizens without cause or judicial oversight.

Section 2. Respect for Civil Liberties, including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; in contrast to 2004, the authorities generally respected these rights in practice. Unlike the previous year, there were no reports that the central authorities attempted to direct media content; however, intimidation of journalists, often by local officials, as well as continued media dependence on government resources, inhibited investigative and critical reporting and sometimes led to self-censorship.

Individuals could, and did, criticize the government both publicly and privately without reprisal. The government did not attempt to impede such criticism.

Since the Orange Revolution, media outlets have been freer and politically more diverse than at any time in the country’s post-Soviet history. The NGO Freedom House reported that media independence improved. Despite these improvements, however, less direct but nonetheless significant restrictions remain.

According to the Ukrainian Press Academy, at year’s end there were 20,903 registered print publications. Of that number, 8,859 were national and regional and 12,044 were local. According to the academy’s statistics, there were 1,260 licensed television and radio broadcasters in the country. These print and electronic media outlets reflected a wide variety of viewpoints. Many newspapers were financed by wealthy investors and reflected the political and economic interests of their owners. In contrast to 2004, these publications frequently criticized the government. However, their strong financial backing gave them an advantage over smaller, more independent, newspapers.

Foreign newspapers and periodicals circulated freely.

Broadcast media, the primary sources of news for most citizens, were either state-owned or owned by powerful business interests. There were 13 national television stations and 3 national radio stations. Of these, state-run television, UT–1, had the widest geographic coverage but relatively low viewership. Most local television stations were associated with political parties or powerful regional business interests.

On May 9, FM 98 began broadcasting the Ukrainian service of Radio Liberty in Kiev and other cities. In March 2004 the Kuchma government and its allies forced Radio Liberty off the air in a clear effort to deny citizens independent sources of information ahead of the 2004 presidential election.

The influential National Council for Television and Radio Broadcasting, comprised of four members appointed by the parliament and four presidential appointees, issues licenses and allocates broadcasting time. Figures associated with the previous government charged that the council was being used by the Yushchenko government to punish its political opponents when it undertook to challenge court orders that had given frequencies to television stations affiliated with the previous government. In the most high-profile case, the Donetsk-based owners of the NTN television network denounced the council and the government for attempting to strip NTN of additional regional frequencies, which the government and many independent media analysts said were obtained illegally and without competition during the Kuchma era. The respected newspaper *Dzerkalo Tyzhnya* wrote on April 9 that there were “serious irregularities” in the process by which NTN obtained its additional frequencies; the newspaper also noted that other major television networks in the country also “cut similar corners” in the application process. In April the High Economic Court upheld the November 2004 Kiev Commercial Court of Appeals ruling that awarded NTN more than 70 additional frequencies. In October the Supreme Court overturned all previous court rulings and returned the case for reconsideration to the original court, which started the process over. In the meantime, NTN continued to broadcast without restrictions.

In addition, Donetsk-based TRK Ukraine television alleged that the council’s strict enforcement of a licensing provision that requires national stations to broadcast a majority of their programs in Ukrainian is discriminatory, forcing the network to choose between having its license revoked and losing a large part of its predominantly Russian-speaking audience to Russian television stations. Based on com-

plaints from other national broadcasters from across the political spectrum, the enforcement of this language requirement was not unique to TRK Ukraina.

According to the national media watchdog NGO Institute for Mass Information (IMI), at least 15 journalists were subjected to physical attacks or intimidation during the year that were likely related to their professional activities. For example, the media reported that, on April 16, in Zakarpattya Region, three unnamed men beat up the editor of the newspaper *Stary Zamok*, Ivan Berets. He was hospitalized with a leg injury. Berets claimed the attack was politically motivated, noting that one of his alleged assailants was the son of a former Kuchma-era official in Tyachiv who was criticized by the newspaper.

In several cases the perpetrators appeared to be police or criminals acting on behalf of local officials. Human rights organizations expressed concern about a July 12 attack by police in Kherson on photographer Maxim Soloviev and reporter Natalia Kozarenko of the weekly *Vhoru*. Police roughed up the pair and seized Soloviev's camera while they were covering a dispute between local officials and the owners of a shop in the city center.

The media reported on August 6 and 9 that Human Rights Ombudsman Karpachova and the Crimean Committee for Monitoring Freedom of the Press had demanded the release from pretrial detention of *Yevpatoriyskaya Nedelya* editor Volodymyr Lutiev. Human rights groups and Lutiev's defense attorney accused corrupt local police officials in Sevastopol of fabricating attempted murder charges against Lutiev because of the newspaper's investigative reporting about the alleged illegal activities of Crimean member of parliament Mykola Kotliarevsky, who was widely believed to be an organized crime boss.

Vecherniye Vesti reporter Ludmyla Bashkyrova and her daughter were threatened with physical harm on August 13 by an anonymous caller. According to the Interfax news agency, the caller demanded that Bashkyrova retract an article critical of the governor of Kherson Region, Borys Silenkov. Interfax also reported that an unidentified person threw a rock, wrapped in the newspaper containing the offending article, through a window of Bashkyrova's apartment.

On October 4, in Dnipropetrovsk, an unidentified assailant attacked Natalia Vlasova, a news editor from the local television station 34th Channel. Vlasova was punched repeatedly in the head and sustained a concussion. The station's director told the Ukrainian Independent News and Information Agency (UNIAN) on October 5 that Vlasova was likely attacked because of her reporting on allegations that places on the local electoral list for the Batkivshchyna political party were being sold. The Committee to Protect Journalists, which condemned the assault, reported on October 7 that Vlasova's attacker had told her to "stop poking her nose" into Batkivshchyna's business affairs.

As of year's end the authorities continued to investigate a February 2004 incident in Brody, in which unidentified attackers broke into a warehouse and set fire to five thousand copies of two books that were highly critical of former presidential administration Chief of Staff Viktor Medvedchuk. The authorities also continued to investigate a related May 2004 incident in which unidentified assailants burned down the printing facility of the company that published the books.

Minister of Internal Affairs Lutsenko told the media on August 23 that an unspecified number of police officers from the Lviv Region police surveillance unit had been arrested in connection with an August 2004 incident in which unidentified attackers used Molotov cocktails to destroy an office at the independent Lviv newspaper *Postup*. The newspaper's editor said that the newspaper's coverage of two corrupt local officials, one of whom was allegedly involved in an illegal construction project in one of Lviv's parks, likely prompted the attack.

There were no indications of progress in investigating the attacks on journalists Yevgeny Savchenko, Anna Nizkodubova or Tatyana Goryacheva in 2004.

Passage in the parliament in July of a new election law, which among other things establishes strict procedures for political advertising and news coverage of political parties during the March 2006 parliamentary election campaign, drew widespread condemnation in the media. As originally approved, the law essentially prohibited media commentary on political parties without their express approval, and it gave authority for shutting down alleged violators to election officials. In response to the outcry, the parliament on November 17 amended the law to relax the requirements and shift responsibility for determining if violations had occurred to the judicial system. While the amended law is less restrictive, critics warned it is still imperfectly written and is open to potential abuse.

The media, both independent and government-owned, continued to demonstrate a tendency toward self-censorship on matters that the government deemed sensitive. Although private newspapers were free to function on a purely commercial basis, they were subject to various pressures, such as dependence on political patrons who

could facilitate financial support from the State Press Support Fund and close scrutiny from government officials, especially at the local level. The dependence of many media outlets on government patronage inhibited criticism, particularly at the local level.

At a July 25 press conference, President Yushchenko vociferously criticized a reporter from *Ukrainska Pravda* for reporting about his adult son Andriy's use of an expensive late-model car and his lavish lifestyle. The president was widely criticized by media outlets across the political spectrum. On July 28, the president apologized for his outburst at the press conference and reiterated his commitment to defending freedom of speech.

On September 30, Lebanese businessman Walid Harfouche, the editor of the celebrity publication *Paparazzi*, alleged that his car had been set on fire to discourage the publication in his magazine of photos of Andriy Yushchenko vacationing in Turkey. However, most media in the country portrayed the incident as the result of a business dispute rather than a freedom of press issue. President Yushchenko directed the minister of internal affairs to investigate the incident the day after it occurred; no arrests had been made by year's end.

Although there was no criminal penalty for libel, the use or even the threat of civil libel suits continued to inhibit freedom of the press. According to IMI, at least five libel actions were brought against the mass media and journalists during the year. Whether such a suit is successful or not, lower courts may order that a publication's accounts be frozen pending appeal, a step that can be financially ruinous for many publications. Government entities, in particular, continued to use civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press. In a case that received national coverage, the media reported on July 21 that the former editor of the popular Rivne weekly *Seven Days*, Vasyl Herus, was given a suspended sentence of three years in prison for slandering presidential candidate Viktor Yushchenko during the 2004 presidential election campaign. Herus appealed the verdict.

Despite laws that both limit the amount of damages that may be claimed in lawsuits for libel and free the press from responsibility for inoffensive, non-factual, judgments, including criticism, media watchdog groups and the ombudsman for human rights continued to express concern over extremely high monetary damages demanded, and sometimes awarded, for alleged libel. For example, the controversial governor of Rivne Region, Vasyl Chervoniy, sued the small independent newspaper *Rivnenska Hazeta* for \$10 thousand (UAH 50 thousand) for allegedly slandering him in an editorial. On March 1, the newspaper's staff put up a tent city in downtown Rivne to protest the libel suit, calling it a blatant attempt to stifle legitimate criticism of the government. In May Chervoniy's lawsuit was dismissed by a local court in Volyn Region, which had reviewed the case at the direction of the Supreme Court.

In late December Kiev's Shevchenkivskyi District Court threw out a libel claim filed in April 2004 against the newspaper *Ukraina Moloda*, which frequently criticized the administration of then-President Kuchma. The lawsuit, filed by pro-Kuchma media advisors, demanded that the newspaper publish a retraction for a "libelous" interview and pay compensation of approximately \$2 thousand (UAH 10 thousand); the plaintiffs had also asked the court to freeze the newspaper's assets during litigation. A similar lawsuit filed in May 2004 by the same Kuchma advisors against the independent Internet news website *Ukrainska Pravda* was also dismissed in late December. The suit against *Ukrainska Pravda* had sought approximately \$4 thousand (UAH 20 thousand) in damages, plus the immediate confiscation of the website's assets in lieu of damages.

In July the government reopened a tax evasion investigation of the country's oldest and largest independent publishing house, Taki Spravy. Taki Spravy's Director General, Oleksandr Danilov, told the Interfax news agency on August 8 that the investigation was retaliation for his unwillingness to drop a compensation claim against the government, for \$74 million (UAH 370 million) in damages suffered during the Kuchma era, filed with the International Center for the Settlement of Investment Disputes. On December 12, the press reported that the tax police had closed the case, a move that the media said may lead to a negotiated settlement.

The government did not restrict access to the Internet, but it had the ability to monitor all Internet publications and e-mail (see section 1.f.). Domestic and international human rights groups criticized a May 1 directive from the Ministry of Transportation and Communication that requires all Internet publications to register with the government. As of year's end the ministry was in the process of rescinding the directive; no Internet publications have been required to register.

The government did not restrict academic freedom, but academic freedom was an underdeveloped and poorly understood concept. Most major universities were state-

owned, but there were a growing number of privately-run institutions. University rectors had a reasonable amount of autonomy. Some schools have instituted admission by examination systems, but nepotism and bribery reportedly were common during entrance exams and also influenced the granting of degrees. For example, many applicants and their family members reported that entrance to Lviv National Medical University required an \$8 thousand (UAH 40 thousand) bribe. Administrators of universities and academic and research institute directors possessed the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, and directly terminating them. The SBU maintained offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research.

Private and religiously affiliated universities reported that their work continued to be hindered by what they called the country's Soviet-style Ministry of Education. Although the ministry publicly maintains its commitment to reform, in reality educational reforms are being implemented very slowly. For example, the authorities still declined to give official recognition to foreign university degrees. Domestic institutions had little choice in the fields they were allowed to offer and in the requirements for a degree. For example, the ministry continued to refuse to recognize theology as a legitimate academic major; students in this and other non-recognized fields were unable to obtain student discounts on public transportation and were subject to the draft.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly and association, but in a few instances the government infringed on these rights.

The law requires that demonstrators inform the authorities of a planned demonstration in advance, and the law on public assembly stipulates that organizations must apply for permission to their respective local administrations at least 10 days before a planned event or demonstration. Permits were routinely granted to those who requested them, though the permits sometimes stipulated that demonstrators had, for example, to stay on the sidewalks and not block traffic in key downtown Kiev intersections. The law prohibits demonstrators from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice, unlicensed demonstrations were common. In contrast to 2004, they generally occurred without police interference, fines, or detention, but there were several exceptions.

For example, the media reported that, at 6 a.m. on April 9, police in Odesa forcibly dismantled a tent camp erected in the city center by supporters of former Prime Minister Yanukovich and former Odesa Mayor Bodelan; the demonstrators did not have a permit for the tent camp. The camp residents generally did not resist police. However, at least two Yanukovich supporters complained publicly that police officers had physically mistreated them during the dismantling process.

The media reported that police in Uzhhorod beat opposition members of parliament Nestor Shufrych and Tamara Proshkuratova during a protest inside the hospital room of former Zakarpattya Region Governor Ivan Rizak (see section 1.c.).

Freedom of Association.—The law provides for freedom of association and in contrast to 2004, the government generally respected this right in practice, but some restrictions remained. Registration requirements for organizations were extensive, but there were no reports that the government used them during the year to disband existing legitimate organizations or prevent new ones from forming.

The former youth movement Pora had difficulty registering as a political party, but was eventually registered by the MOJ on June 1. The media reported on October 28 that the MOJ refused to reregister the party Slavic People's Patriotic Union under a new name, Party of Putin's Policies; the MOJ cited "unspecified irregularities" in the party's application as the basis for the refusal. On November 18, the MOJ reversed its decision without explanation and registered the party under its new name.

The law places restrictions on organizations that advocate violence or racial and religious hatred or that threaten the public order or health. There were no reports during the year that the authorities used these criteria to restrict the activities of legitimate organizations that opposed the government.

There were a number of requirements for the formation of political parties (see section 3).

Two major opposition political parties associated with the previous government, the Social Democratic Party of Ukraine (United) and Regions of Ukraine, repeatedly and publicly complained that thousands of their supporters, many of them doctors and teachers, were dismissed from their government jobs during the year simply because of their association with anti-Yushchenko political parties. Human Rights

Ombudsman Karpachova told the media on July 7 that, during the first 6 months of the year, 1,243 individuals had complained to her office about being pressured or dismissed because of their political beliefs. However, widely respected human rights organizations rejected the characterization of the dismissals as persecution, noting that only approximately 5 percent of the country's 450 thousand civil servants had been dismissed and replaced by supporters of the Yushchenko administration. One major voter rights NGO also emphasized that the bulk of the dismissed officials were Kuchma-era political appointees generally of district-chief rank or higher.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. Nonetheless, there were isolated problems at the local level. Some local officials at times impeded attempts by minority and nontraditional religions to register and buy or lease property.

The law provides for the separation of church and state, and there is no state religion. But local authorities often sided with the religious majority in a particular region.

The law requires that to obtain the status of a “juridical entity,” a religious organization must register its “articles and statutes” either as a local or national organization. To be registered it must have at least 10 adult members. Registration is necessary for many everyday business activities, including publishing, banking, and property transactions. Registration is also necessary to be considered for restitution of communal religious property. By law, the registration process should take one month, or three months if the government requests an expert opinion on the legitimacy of a group applying for registration. Denial of registration may be appealed in court. A few religious groups, most notably Muslims, indicated that they continued to encounter long delays in obtaining registration, and in some cases they were tantamount to denials. For example, the Kharkiv Region government has refused to register a Muslim community for the past 11 years.

The registration process underwent significant change during the year, sparked by the Orange Revolution and the election of President Yushchenko. In the past, the Soviet-legacy State Committee for Religious Affairs (SCRA) was the government entity responsible for registering religious organizations and, more broadly, for implementing state policy on religion.

President Yushchenko abolished the SCRA by presidential decree on April 22, transferring its functions to the MOJ and the Presidential Secretariat. The move was cautiously welcomed by representatives of many major religious organizations, NGOs, and think tanks, who generally viewed the SCRA as an antiquated, corrupt, Soviet-style organization. However a few major religious organizations criticized the move, noting that the SCRA, while flawed, played a valuable role as the religious community's voice in the government, helping to mediate disputes, for example, between religious organizations and various government agencies.

Major religious organizations expressed concern about the opaque way in which the SCRA was abolished and how its duties might eventually be divided between the MOJ and Presidential Secretariat. They also expressed concern that the process proceeded without their input.

The process of transferring the SCRA's functions to the MOJ and the Presidential Secretariat has moved slowly. As of year's end, the SCRA generally continued to perform its registration function, but no longer played a mediation role. The significantly weakened organization was renamed the “State Department for Religious Issues” and formally subordinated to the MOJ.

Leaders of the Church of Jesus Christ of Latter-day Saints (LDS) in Kiev complained about the government's unwillingness to allow a representative of their church to join the All-Ukraine Council of Churches and Religious Organizations, an influential, inter-confessional governmental advisory body. This refusal appeared to deny them legitimacy and discouraged broadcast media outlets from allowing the LDS to purchase airtime.

The government continued to facilitate the building of houses of worship but members of numerous religious communities, including Protestants and LDS, described difficulties in dealing with the municipal administrations in Kiev and other large cities to obtain land and building permits. These problems were not limited to religious groups.

The law restricts the activities of foreign-based religious organizations and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other non-citizen representatives of foreign-based religious organizations; however, in practice there were no reports that the government used the law to limit the activities of religious organizations. Religious worker visas require invitations from registered religious organizations in the country and the approval of the government. Foreign religious workers may preach, administer religious ordinances,

or practice other canonical activities “only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization.”

At times local governments in regions that are traditionally dominated by one religious group discriminated against rival religious groups in restituting property and granting registration. Representatives of the Ukrainian Orthodox Church-Kiev Patriarchy (UOC-KP), the Ukrainian Autocephalic Orthodox Church, the Ukrainian Greek Catholic Church (UGCC), and the Roman Catholic Church alleged that local governments in the east favored the Ukrainian Orthodox Church-Moscow Patriarchy (UOC-MP) in matters of property restitution and registration. Similarly, representatives of Progressive Jewish communities have noted that the government of Dnipropetrovsk Region has only permitted the registration of Chabad communities.

Senior leaders of the UOC-MP complained that, in the wake of the Orange Revolution and the election of President Yushchenko, the UOC-MP has been discriminated against by the Rivne and Volyn regional governments. In particular, the UOC-MP has alleged that Rivne Governor Vasyl Chervoniy illegally issued orders in April transferring control of a UOC-MP church in Mylostiv village to the UOC-KP. UOC-MP representatives also asserted that local officials and UOC-KP supporters in Rivne Region have repeatedly threatened UOC-MP clergy and their family members.

The UOC-MP has also protested legal action initiated by the Sumy regional government on February 21; as of year’s end local officials there were seeking to de-register the UOC-MP for alleged violations of criminal law.

Representatives from the UOC-KP complained that some local governments in regions with strong UOC-MP representation, including Odesa and Poltava, deliberately delayed registration of congregations that, in accordance with the law, had changed jurisdictions from the UOC-MP to the UOC-KP. Representatives from the UOC-KP also noted that local governments failed to return UOC-KP church buildings in Dnipropetrovsk, Kharkiv, and Zhytomyr.

Representatives of the UGCC complained of discrimination by the Odesa municipal government, which blocked the Church’s efforts to obtain land in the city.

Evangelical Protestant leaders expressed concern about discrimination against them by the Kherson and Odesa regional and municipal governments, specifically complaining about interference with services, the authorities’ refusal to sell property for the construction of churches, and the authorities’ failure to protect legitimate Church property rights.

Despite requests from the Roman Catholic Church, including Pope John Paul II, the government has not yet transferred its ownership of St. Nicholas’ Cathedral and a former residence of Roman Catholic bishops in Kiev to the Church. However, the Church was permitted to use the cathedral for daily morning Mass, on weekends, and during major religious holidays. Roman Catholic representatives also expressed frustration about unrealized restitution claims in Odesa, Mykolayiv, Sevastopol, Simferopol, Bila Tserkva, Uman, Zhytomyr, and Kiev.

There continued to be charges by representatives of the Jewish community that religious land was being used inappropriately. For example, there was no progress in a long-running dispute over a Jewish cemetery in the Volyn Region town of Volodymyr-Volynsky. Although a local court ordered a halt in the construction of an apartment building at the site in December 2002, according to the Volodymyr-Volynsky Municipal Council, apartment construction was completed during 2003, and most of the units were occupied. Local Jewish groups complained that the SCRA and the MOJ continued to refuse to help resolve this dispute. In addition, in June a hospital in the Ternopil Region town of Chortkiv carried out unauthorized construction work in part of a 17th-century Jewish cemetery. According to Jewish community leaders, the work was done despite a specific warning from the regional administration that the cemetery was a protected historical heritage site.

Muslim community leaders complained about unresolved restitution claims, including a 118-year-old mosque in Mykolayiv, a famed mosque in Dnipropetrovsk, as well as a 150-year-old mosque in the Crimean town of Masandra and the ruins of an 18th-century mosque in Crimean coastal city of Alushta.

Representatives of the Muslim community also asserted that the government’s slow pace of communal property restitution undermined moderate Muslim leaders. A lack of results, they argued, made Muslims—particularly in Crimea—more willing to listen to persons with strident views, especially those espoused by followers of Hizb ut-Tahrir.

The media reported on May 20 that members of the Buddhist community staged a protest outside the headquarters of the SBU. They criticized the SBU for the May 4 detention of a Japanese Buddhist monk, Dzunsay Teresava-san, at a crossing point on the border with Poland. The authorities removed the monk from the train,

revoked his visa, banned him from entering the country for five years, and deported him back to Poland. According to press reports, the monk is on a Russian Federal Security Service (FSB) “black list” because of his outspoken criticism of Russian military operations in Chechnya. The media reported on May 30 that the ban was lifted and the monk had been given a visa.

Societal Abuses and Discrimination.—The generally amicable relationship among religions in society contributed to religious freedom, but conflicts between local representatives of contending religious organizations in some cases adversely affected broader ties among religions in society. Political events, particularly those that occurred during and after the 2004 presidential election campaign and Orange Revolution, served to increase religious tensions during the year.

During the year senior leaders of the UOC-MP publicly claimed that supporters of the UOC-KP, emboldened by the Orange Revolution, President Yushchenko’s election, and indications that the Ecumenical Patriarch might recognize their church as the country’s canonical Orthodox Church, attacked UOC-MP clergy and seized a number of UOC-MP churches—at times allegedly with the assistance of local police.

The UOC-MP cited numerous such incidents, including in Rivne, Kherson, Ternopil, Chernivtsi, Volyn, and Kiev regions. For example, the UOC-MP alleged that: on February 8, UOC-KP supporters set fire to UOC-MP property in Poliske village, Rivne Region; on March 6 and 8, local authorities incited the violent seizure of the UOC-MP’s Holy Trinity church in Rokhmaniv village, Ternopil Region, severely injuring a UOC-MP priest; and on April 10, that UOC-KP supporters attempted to seize the UOC-MP’s Chapel of the Kazan Icon of the Mother of God in Lukhche village, Volyn Region.

Representatives of the Russian Orthodox Church Abroad (ROCA) also voiced complaints about the UOC-KP, specifically asserting that UOC-KP believers had seized, with the help of local police officials, ROCA’s Holy Trinity church in Odesa Region. ROCA was involved in a separate dispute with the UOC-KP over ownership of St. George’s Church, also in Odesa Region.

In addition, ROCA representatives complained of pressure from the UOC-MP to surrender church buildings to the UOC-MP in Malyn, Zhytomyr Region.

The UOC-KP has rejected the ROCA and UOC-MP allegations, specifically noting that, during the year, many UOC-MP communities have exercised their legal right to change jurisdictions from the UOC-MP to the UOC-KP. The Kiev Patriarchate also alleged that, on October 27 in the Rivne Region town of Ostroh, UOC-MP priests and supporters brought in from Crimea physically intimidated and humiliated parishioners of the Church of the Holy Ascension, which switched jurisdictions from the UOC-MP to the UOC-KP.

The minister of internal affairs on May 25 denied that local police were taking sides in church property disputes. The ministry had instructed police officers to maintain peace and stability in cases of conflict between UOC-MP and UOC-KP supporters; the police were under orders to remain impartial and to prevent the seizure or destruction of church property. For example, he said that in May local police had prevented the seizure of a UOC-MP monastery in Rivne Region by UOC-KP believers.

Tensions remained between some adherents of the UGCC and the UOC-MP over control of property in the western part of the country, which is a legacy of the forced reunification of these two churches under the Soviet regime. For example, the UOC-MP complained that it was informed on April 6 by the government of Zakarpattya Region that it must vacate churches in the villages of Korolevo, Sasovo, Cherna, Veryatsya, Khyzha and Kelechyn; the church buildings were to be turned over to the UGCC.

The UOC-MP also publicly accused the UGCC of attempting to expand in regions where traditionally the Moscow Patriarchate was strong. This accusation appeared to be based on the UGCC’s plans to establish a patriarchate, and on the August 21 move of Cardinal Husar’s headquarters from Lviv to Kiev, which the UOC-MP strongly protested.

Evangelical Protestant leaders complained about the activities of the group “Dialogue,” which they and human rights groups characterized as a front group for the UOC-MP that promotes hostility toward non-Orthodox Christians.

LDS leaders asserted that believers faced discrimination from some government officials and from the UOC-MP and UOC-KP. They expressed concern about efforts by these Churches to prevent the establishment of an LDS community in Chernivtsi. In official correspondence with the city government, UOC-MP and UOC-KP supporters accused the LDS of encroaching on an “Orthodox city.”

Muslim leaders in Crimea, as well as members of the Crimean Tatar Mejlis, the major, but unofficial, organization representing Crimean Tatars, accused the UOC-MP of encouraging anti-Muslim and anti-Tatar violence in Crimea (see section 5).

The Jewish community has a long history in the country. Estimates on the size of the Jewish population varied. According to the State Committee of Statistics, the Jewish population during the 2001 census was estimated at 103,600, although some Jewish community leaders have said the number may be as high as 300 thousand.

There were a number of acts of anti-Semitism during the year; at least three of them involved physical attacks. On January 8 in Simferopol, a group of skinheads assaulted 13 students from a Chabad Jewish day school. Two of the students, girls aged 11 and 16, required hospitalization; one had a concussion, and another had a broken nose. Police were investigating at year's end. On August 28, a group of skinheads assaulted two Yeshiva students in Kiev. One of the students had his skull partially crushed with a beer bottle. On August 31, the police arrested three of the alleged assailants, who have been charged with criminal hooliganism. Deputy Minister of Internal Affairs Gennady Moskal told the press on September 1 that the attack was not motivated by anti-Semitism, an assertion that was publicly questioned by a few prominent members of the Jewish community. President Yushchenko publicly condemned the assault. On September 11, a group of skinheads assaulted a rabbi and his son at the Kiev Expo Center. Police on the scene detained a group of suspects; two have been charged with criminal hooliganism.

There were also several instances in which synagogues and cemeteries were vandalized; police follow-up often appeared to be ineffectual because of lack of evidence and/or indifference. However, there was an official response in some cases. For example, four neo-Nazis were sentenced on February 7 for vandalizing gravestones in a cemetery in the Donetsk Region in 2004. The court issued suspended sentences for the two adult defendants and ordered "compulsory educational measures" under parental supervision for the two juveniles. According to media reports, the local Jewish community requested light sentences for the vandals, who came from extremely poor families. In Rivne, municipal authorities restored the desecrated Sosonky memorial, vandalized in April 2004.

Issues involving anti-Semitism also appeared in public life. The media reported on February 26 that renowned accordion player and Yanukovych supporter Jan Tabachnyk, who is Jewish, accused Deputy Prime Minister Mykola Tomenko of making anti-Semitic comments about him. Tomenko had said in a radio interview that "Ukrainian artists, and not simply some Tabachnyks or Kobzons" (a reference to Jewish Russian entertainer and Yanukovych supporter Iosif Kobzon) should perform in Ukraine. Tomenko denied the charge. The Jewish community was split over whether Tomenko's comments were anti-Semitic in nature.

According to a report by the AEN news agency, a group calling itself the "Party of National Patriots" handed out leaflets in Donetsk's Lenin Square on May 9 calling for the murder of Jews. Specifically, the leaflets called for "death by shooting" for "conspirators and leaders of international Zionist political and religious organizations acting on the territory of Ukraine." There were no reports of official action taken against the group.

In July 2004 the then-main opposition bloc in parliament, Our Ukraine, expelled Oleh Tyahnybok, a member of parliament who made an anti-Semitic speech during a 2004 campaign rally in Ivano-Frankivsk Region. A regional court ordered that charges of inciting ethnic hatred against Tyahnybok be dropped because of a lack of sufficient legal grounds to open a criminal case. In a March 29 national television interview, Tyahnybok refused to apologize for his campaign speech.

Anti-Semitic articles appeared frequently in small publications and irregular newsletters, although such articles rarely appeared in the national press.

On March 28, a small, openly anti-Semitic, political party officially registered with the government. The Ukrainian Conservative Party was associated with the anti-Semitic Inter-Regional Academy of Personnel Management, known in Ukrainian as MAUP. The party's charter calls for "a struggle against Zionism and fascism" and a return to the Soviet-era practice of indicating a person's ethnicity on their passport. MAUP also sponsored a June 3 conference in Kiev at which speakers reportedly called for the deportation of all Jews from Ukraine. According to Jewish leaders, a UOC-MP priest participated in this conference.

MAUP was the most persistent anti-Semitic presence in the country. It was allegedly funded by Libyan, Syrian, Iranian, and Palestinian government sources. It published a monthly journal *Personnel* and a weekly newspaper *Personnel Plus*. Jewish organizations said that MAUP accounted for nearly 85 percent of all anti-Semitic material published in Ukraine during the year. On December 5, President Yushchenko issued a statement specifically criticizing MAUP for its anti-Semitic publications.

A longstanding dispute between nationalists and Jews over the erection of crosses in an old Jewish cemetery in Sambir remained unresolved, despite mediation efforts by local Jewish and Greek Catholic leaders.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice; however, there were some limitations.

A new system of registration was introduced during the year, replacing most elements of the “*propyska*” system that inhibited the free movement of individuals. Human rights groups stressed that a major difference between the new system and the *propyska* system is that a person may live, work, and receive services anywhere in the country. There was no indication that individuals were denied access to services because they were not registered in the locality where they resided.

Citizens who wished to travel abroad generally were able to do so freely. Exit visas were required for citizens who intended to take up permanent residence in another country, but there were no known cases of exit visas being denied to citizens during the year. The government could deny passports to individuals in possession of state secrets, but those denied had the possibility of appealing.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided limited protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee or asylum status infrequently. In an April 20 meeting with the minister of justice, the Office of the UN High Commissioner for Refugees (UNHCR) regional representative called on Ukraine to abide by international standards in protecting the rights of refugees.

The government provided temporary protection for up to one year to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

According to UNHCR, the EU, and human rights groups, border guards unlawfully returned an unspecified number of Chechens to Russia who had applied for, or wanted to apply for, asylum. For example, Chechens detained in Zakarpattya Region were frequently put on a train to Kharkiv and turned over to Russian border guards at the nearby border crossing point. Chechens were reportedly forcibly returned to Russia in keeping with an alleged secret government instruction issued after the September 2004 Beslan school massacre in Russia; it reportedly requires border guards to return all Chechens to Russia and to refuse them entry into Ukraine.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers and operated refugee reception centers in Vinnytsya and Odesa. However, the State Committee for Nationalities and Migration at times showed little interest in refugee protection, poorly implemented agreements with the UNHCR, and often refused to share important information with the UNHCR.

According to UNHCR officials, one of the biggest obstacles to the implementation of the government’s commitments to the protection of refugees is a law, which authorities strictly enforced, requiring applicants for refugee status apply within three working days of their illegal entry, or within five working days of their legal entry, into the country. This led the authorities to refuse to initiate asylum procedures for approximately 70 percent of all asylum seekers during 2003, the latest year for which statistics were available. As a result, many asylum seekers remained undocumented and faced arrest, detention, and deportation. In addition the law allows for the deprivation of refugee status for mere suspicion of involvement in activities that pose a threat to the national security, public order, or health of the population of the country.

Police harassment of refugees with dark skin, and, to a lesser degree, Asians, continued during the year. There were also multiple, credible reports from human rights NGOs and diplomats that refugees, especially those from Africa and Asia, were regularly abused at detention centers in Zakarpattya Region, which borders EU member states Poland, Slovakia, and Hungary.

There were reports that the makeshift Pavchino detention center received no state funds during the year. Border guards generated income, including their own salaries, by “leasing” migrants to a neighboring factory (see section 6.c.). Border guards also illegally released detained migrants whose families paid bribes, usually in the amount of \$1,200 (UAH 6 thousand), transferred via wire. Border guards also stole

food packages and phone cards provided to refugees by the EU. Moreover, border guards only accepted asylum applications prepared by lawyers whom the migrants had to pay for their services; the lawyers then split their fees with the guards. Applications prepared, for example, by NGO lawyers working *pro bono* were not accepted.

According to human rights NGOs and foreign diplomats, conditions at the Chop detention center near the border with Hungary and Slovakia were equally bad. Refugees were crammed into tiny cells, given polluted drinking water, and had to use outdoor toilets. The center was unheated in winter and many refugees lacked warm clothing; some had no shoes.

Conditions at the Mukacheve detention center for migrant women and children were somewhat better than at Chop. According to human rights groups, the temporary accommodation/refugee processing center in Latoritsa, which opened in June, met all standards set by the Geneva Refugee Convention.

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

The law provides citizens with the right to change their government peacefully through periodic elections, and citizens exercised this right in practice during the year through a small number of by-elections held on the basis of universal suffrage. However, the country's top electoral watchdog NGO noted that these elections frequently were marred by controversy.

Elections and Political Participation.—A bitter and protracted presidential election between opposition leader Viktor Yushchenko and Prime Minister Viktor Yanukovich took place in the final months of 2004. The OSCE observer mission noted serious flaws in the October 2004 first round of voting, including a strong media bias in favor of Yanukovich, problems with voter lists, which excluded up to 10 percent of voters, and administrative pressure on students, government, and state enterprise employees to vote for Yanukovich. In the November 2004 second round held between the two frontrunners Yushchenko and Yanukovich, observers noted massive and systematic fraud through the abuse of mobile ballot boxes, absentee ballots, which were cast in exceedingly high numbers, and ballot stuffing. Following massive public protests against the electoral fraud, the Supreme Court invalidated the results and ordered a revote in December 2004. In order to reduce the scope for fraud, the parliament and president cooperated to amend the presidential election law to limit absentee and mobile ballot voting and appointed a new Central Election Commission (CEC). The December 2004 revote was judged by reputable international observers, including the OSCE, to have reflected the will of the voters and brought the country substantially closer to meeting international standards for free and democratic elections.

In recognition of the progress made in the December 2004 revote, the NGO Freedom House noted that Ukraine improved its electoral process.

According to the Committee of Voters of Ukraine (CVU), the country's top electoral watchdog NGO, the small number of local by-elections held during the year were often marred by controversy. For example, on March 19, two national newspapers, *Den* and *Dzerkalo Tyzhnya*, accused President Yushchenko of manipulating the courts to oust Odesa Mayor Ruslan Bodelan and replace him with former mayor and Yushchenko ally Eduard Hurvits. On April 4, a judge in Odesa's Prymorsky District Court invalidated the results of the 2002 Odesa mayoral election, which was ruled to have been fraudulent and directed that Hurvits be officially registered as mayor. Hurvits had run against Bodelan in the 2002 election, which was widely recognized as fraudulent. Much of the non-partisan criticism of the move focused on the proper role of the judiciary in determining an electoral result, arguing that the court rightfully invalidated the 2002 election, but should have called for a new election instead of seating Hurvits as mayor. On April 28, the media reported that Bodelan fled to Russia to avoid facing criminal charges in Odesa.

The CVU also criticized President Yushchenko's September 22 decision to introduce an amnesty law that could include individuals who participated in electoral fraud during the 2004 presidential election. The proposed amnesty was part of a broad political deal with Yanukovich that helped secure parliamentary approval of Prime Minister Yekhanurov. The CVU said that such an amnesty would allow individuals who committed violations in 2004 to serve again on polling station commissions. On the other hand, opposition politicians connected to the previous regime and the head of the CEC welcomed the step. The media reported on September 30 that, according to Presidential Chief of Staff Oleh Rybachuk, the amnesty would not cover the organizers of the electoral fraud; he specifically mentioned former Kuchma chief of staff Viktor Medvedchuk and former CEC Chairman Serhiy Kivalov as individuals not covered by the proposed amnesty. Observers also noted that under

Ukrainian law, 2006 would be the earliest that the parliament could consider such an amnesty.

Individuals and parties could, and did, freely declare their candidacy and stand for election.

To be registered as a national-level party, political parties must maintain offices in one-half of the regions and may not receive financial support from the state or any foreign patron. The Supreme Court reserves the right to ban any political party upon the recommendation of the MOJ or the prosecutor general. No parties were banned during the year.

There were 25 women in the 450-seat parliament. Yuliya Tymoshenko served as prime minister in the Yushchenko administration until her dismissal on September 8. Oksana Bilozir served as minister of culture and tourism in the Yushchenko administration until she was dismissed along with the rest of the Tymoshenko cabinet. The 18-member Constitutional Court, which had 13 vacant seats as of year's end, had 1 female member.

The number of minorities in the parliament was not available due to privacy laws. Among parliament members there were ethnic Russians, Bulgarians, Crimean Tatars, Armenians, Hungarians, Georgians, and Jews. The prime minister at year's end, Yuriy Yekhanurov, is half ethnic Buryat. His cabinet included an ethnic Russian and an ethnic Hungarian.

Crimean Tatar leaders continued to call for changes in the electoral law that would allow them to achieve greater representation in the Crimean Parliament; however, the representation of Crimean Tatars continued to increase in local and regional councils. According to statistics from the Mejlis, the Tatars, who comprise 13 percent of the population of Crimea, occupied 8 percent of the seats in the Crimean Parliament, 10.9 percent of the posts in the Crimean Ministry of Culture, 8.1 percent in the Crimean Ministry of Education, and 6.7 percent in the Crimean Ministry for Youth and Sport. Tatar representation in other Crimean ministries, including in law enforcement agencies, was 1 percent or less.

Government Corruption and Transparency.—Corruption remained a serious problem in the executive, legislative, and judicial branches of the government, including the armed services. According to a November public opinion survey by the Democratic Initiatives Foundation, 55 percent of the respondents described the government and 59 percent described the parliament as “seriously corrupt.”

At a September 5 press conference, State Secretary Oleksandr Zinchenko resigned, complaining that key officials close to President Yushchenko were deeply corrupt. Zinchenko's resignation and his allegations of corruption triggered a political crisis that ended on September 8 with the resignation or dismissal of these officials and the firing of Prime Minister Yuliya Tymoshenko and her cabinet. Counter-accusations of corruption and abuse of authority were directed at Tymoshenko. On November 2, the media reported that head of an ad-hoc parliamentary commission investigating corruption among high-ranking officials, Volodymyr Zaplatynsky, confirmed “a number of the accusations” made by Zinchenko during his September 5 press conference. However, the government reported that the investigations did not find sufficient evidence of wrongdoing to pursue charges.

Human rights groups did note that the country made modest progress in combating corruption during the year. For example, the 2004 sale of the massive Kryvorizhstal steel works to government-connected insiders was invalidated by the courts. The government re-privatized the company during the year in an open and transparent process, whose proceedings were broadcast live on national television channels. The world's largest steel company, Mittal, acquired Kryvorizhstal for \$4.8 billion (UAH 24 billion), \$4 billion (UAH 20 billion) more than the “insiders” consortium (headed by President Kuchma's son-in-law) paid in the rigged 2004 privatization.

The law provides public access to certain government information, usually through websites, but Internet access was still relatively limited both in terms of technology and overall number of users. Prominent government watchdogs, including former member of parliament Inna Bogoslovska, noted that the government generally posted information on the Internet only after important decisions were made. Information on the process by which the government made important decisions usually was not available to the public.

The head of the nationally renowned Kharkiv Human Rights Protection Group, Yevhen Zakharov, criticized the Yushchenko government in October for continuing the Kuchma-era practice of limiting the public's access to official information. Zakharov noted that the “promises to ensure openness of information, transparency, and accountability of the government to society made on Independence Square during the Orange Revolution have largely not been kept.”

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In contrast to 2004, government officials met with domestic and international human rights NGOs and often appeared attentive to their views. The NGO community complained, however, that the authorities remained generally unwilling to make policy changes in response their recommendations. According to the Ukrainian Psychiatric Association, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuse of psychiatry (see section 1.d.).

Major independent, non-partisan, national human rights NGOs included the Committee of Voters of Ukraine, the Kharkiv Human Rights Protection Group, the Ukrainian Helsinki Human Rights Union, the Institute for Mass Information, Telekrytyka, and the Ukrainian-American Bureau for the Protection of Human Rights.

The government generally cooperated with international governmental organizations, including the UN and the Parliamentary Assembly of the Council of Europe (PACE). For example, senior government officials met on March 30 with the PACE rapporteur on the Gongadze case, and in July with members of a PACE delegation examining the progress of democratic reform in the country. However the authorities often refused to share important information regarding refugees with the UNHCR (see section 2.d.).

Citizens have the right to appeal to the ECHR about alleged human rights violations. The ECHR ruled on 21 Ukraine-related cases through October. On April 5, in a case that received national press attention, the ECHR determined that the government was obliged to pay Yevhen Nevmerzhytskiy \$32,500 (UAH 162,500) in damages stemming from his "humiliating mistreatment" in a pretrial detention facility.

All citizens and residents may address their concerns to the ombudsman, and the ombudsman serves as an intermediary between citizens and the Constitutional Court, since citizens cannot address the court directly. The position of ombudsman, officially designated as the Parliamentary Commissioner on Human Rights, is mandated by the constitution. The incumbent, Nina Karpachova, was reelected in June 2003 to a second five-year term. The law provides the ombudsman with unrestricted and unannounced access to any public official, including the president, and to any government installation. It also gives her the authority to oversee the implementation of human rights treaties and agreements to which the country is a party; however, it provides no penalties for those who obstruct the ombudsman's investigations and does not create sufficient enforcement authority for the ombudsman.

The ombudsman's office consisted of approximately 100 full- and part-time workers, but according to the ombudsman, limited funding of the office continued to hamper its effectiveness. The ombudsman continued to make the combating of trafficking in persons and improving pretrial detention facility conditions major priorities during the year. Ombudsman Karpachova issued her annual human rights report to parliament on July 6. On December 29, a group of 18 major human rights groups called for Karpachova's resignation; the NGOs stressed that her decision to run in the March 2006 parliamentary elections on the Party of Regions ticket undermined the "impartiality and independence" of the ombudsman's office.

The parliament has a Committee on Human Rights, National Minorities, and Interethnic Relations chaired by former foreign minister Hennadiy Udovenko. Credible human rights NGOs considered the committee's work to be of significant value. For example, on April 12 the committee held, for the first time since independence, an extensive hearing on the situation of Roma in the country.

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

The laws prohibit discrimination on the basis of race, sex, and other grounds; however, the government did not enforce these provisions effectively, in part due to the continuing absence of an effective judicial system. Violence against women and children, trafficking in persons, and harassment and discrimination against ethnic minorities and homosexuals, were problems.

Women.—Violence against women remained a serious problem. Spousal abuse is illegal but was common, and the authorities often pressured women not to press charges against their husbands. An April 8 article in the national newspaper *Shehodnya* noted that domestic violence was rarely prosecuted in the country. One major NGO estimated that at least 50 percent of all Ukrainian women have been subjected to physical violence or psychological abuse at home.

According to the MOI, during the first 11 months of the year, 70,888 domestic violence complaints were made to Ukrainian law enforcement agencies. During that same period, courts issued rulings in 67,639 domestic violence cases. Warnings were issued to 5,412 people, 52,739 people were fined, 277 were sentenced to community service, and 8,973 were jailed.

State-run hotlines, shelters, and other forms of practical support for victims of abuse were few. Municipal authorities in Kiev ran a women's center, one of only two municipally-supported shelters in the country; the other, located in the Crimean town of Izumrudne, opened on February 23. The authorities in Izumrudne permitted women to stay at that shelter for up to three months, according to media reports. NGOs attempted to provide services for abused women through the establishment of women's support centers in nine cities. Violence against women did not receive extensive media coverage despite the efforts of human rights groups to highlight the problem.

The law prohibits rape but does not explicitly address spousal rape. A law against "forced sex with a materially dependent person" may allow prosecution for spousal rape. According to statistics from the MOI, during the first 11 months of the year, there were 868 incidents of rape or attempted rape reported to the police.

Prostitution is illegal but widespread and largely ignored by the government. For example, the national newspaper *Den* reported on October 19 that since the 2001 introduction of criminal penalties for organized prostitution (payment of an unspecified fine or 120 hours of work on public projects, or both), no criminal cases for organized prostitution have been opened. However, the media reported on May 26 that two policemen were given seven-year prison sentences for protecting pimps and prostitutes in Mykolayiv. The English-language media reported that sex tourism was increasing in the country; there are no laws to address it.

Trafficking in women for sexual exploitation was a serious problem (see section 5, Trafficking).

Women's groups reported that there was continuing widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a materially dependent person, which applies to employees, legal experts regarded the safeguards against harassment as inadequate.

On September 8, President Yushchenko signed a law mandating equal legal rights for men and women and establishing legal protection against gender discrimination. However, human rights observers and women's groups noted that discrimination against women continued to be a common problem in the workplace. The government and private businesses regularly specified the gender of employees in their help-wanted advertisements, and employers frequently demanded information about a woman's family situation and subsequently used it to deny employment to women who were likely to become pregnant. Physical appearance and age were often taken into account in employment decisions involving women.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally was observed. However, industries that were dominated by female workers were also those with the lowest relative wages and the ones that were most likely to be affected by wage arrears problems.

Few women held top managerial positions in the government or in state-owned or private industry. However, for most of the year, a woman, Yuliya Tymoshenko, served as prime minister. President Yushchenko also appointed the first female governors in modern Ukrainian history, Nadiya Deyeva in Dnipropetrovsk Region and Nina Harkava in Sumy Region.

Children.—The government was publicly committed to the defense of children's rights, but budgetary considerations severely limited its ability to ensure these rights. Few government bodies or NGOs aggressively promoted children's rights, except for a small number of faith-based organizations that primarily worked with orphans and street children.

Education is free, universal, and compulsory until the age of 15; however, the public education system continued to suffer from chronic inadequate funding. Teachers were usually paid their salaries during the year, but other monetary benefits due them were not paid in some localities. Increasing numbers of children from poor families dropped out of school, and illiteracy, previously very rare, remained a problem. According to the State Statistics Committee, 5.731 million children attended primary and secondary school during the 2004–05 school year. The All-Ukraine Committee for the Protection of Children reported that lack of schooling remained a significant problem among the rural population. The problem of growing violence and crime in and outside of schools persisted, particularly in the notoriously violent vocational schools, and discouraged some children from attending school.

Health care was provided equally to girls and boys, but the overall quality of the health care system was poor.

Children continued to be victims of violence and abuse. The *Voice of Ukraine* newspaper reported that, in response to a January 2004 poll by the State Institute of Family and Youth, 43 percent of minors said that they had been victims of some form of violence. During 2003, 300 criminal cases were opened against parents for neglect of parental duties. The majority of complaints of abuse of children related to child prostitution, pornographic video sales, child molestation, and illegal child labor. For example, the media reported on February 9 that 2 adults in the Donetsk Region town of Snizhne were given suspended 4-year prison sentences for forcing their 11 foster children to work in an illegal coalmine. The MOI reported that during 2004, 6,200 parents received administrative sanctions, predominantly in the form of fines, for abusing their children.

The legal marriage age is 18 for males and 17 for females, but the law stipulates that a person who has reached the age of 14 may apply to a court for permission to marry if "it is established that marriage is in the person's best interest," a formulation not further defined. Women under the age of 18 entered into 9 percent of marriages registered in rural areas and 3.2 percent of those in urban areas. Experts stated that underage marriage was not a significant problem; however, media in Zakarpattya Region have characterized underage marriage among Roma as a problem.

Trafficking in children was a serious problem (see section 5, Trafficking).

The commercial sexual exploitation of children remained a serious problem. According to domestic and foreign law enforcement officials, a significant portion of the child pornography available on the Internet continued to originate in Ukraine.

In contrast to 2004, the government took steps to combat child pornography. For example, in March, Ukraine sent law enforcement representatives to work with colleagues from a number of foreign countries to investigate the cross-border sale of child pornography. According to the MOI, by the end of May, 87 criminal cases had been opened related to the manufacture and circulation of child pornography, and police had closed major child pornography studios in Dnipropetrovsk, Donetsk, Luhansk, and Lviv.

On April 11, the news website *Proua.com* also reported on criminal charges filed against the operators of a major child pornography studio in an unidentified city. The studio reportedly used approximately 1,500 girls between the ages of 8 and 16 to create pornographic images for the Internet.

Child labor was a problem (see section 6.d.).

The number of homeless children, usually children who fled poorly maintained orphanages or poor domestic conditions, remained high. Estimates of the number of homeless children varied widely. The vice premier for humanitarian and social affairs told the press on April 21 that there were approximately 150 thousand homeless children in the country, but the State Service for Minors reported on July 11 that there were only 30 thousand. In June the respected independent national newspaper *Ukraina Moloda* quoted experts as putting the number at 129 thousand.

During the year national political leaders gave significant attention to the issue of homeless children. On April 22, then-Prime Minister Tymoshenko held a day-long cabinet meeting on the issue. On June 7, the parliament held widely-publicized hearings on children's rights.

On August 31, Minister of Family, Youth and Sports Yuriy Pavlenko told a special rapporteur from PACE that the country was working to create a transparent system of adoption that protected children. The PACE rapporteur, Swiss lawmaker Ruth-Gaby Vermot-Mangold, visited the country to examine allegations of the trafficking of children (see section 5, Trafficking).

Trafficking In Persons.—The law prohibits trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country. There were also credible reports that local officials abetted or assisted organized crime groups involved in trafficking. Although trafficking may be prosecuted through a number of statutes, as of year's end the legal framework did not address the full scope of trafficking. Corruption within the government facilitated trafficking in persons.

The law provides for penalties of generally three to eight years' imprisonment for trafficking in persons, including for sexual exploitation, pornography, and forced labor. Under some circumstances—for example, trafficking of minors aged 14 to 18, or of groups of victims—traffickers may be sentenced to prison terms from 5 to 12 years, and traffickers of minors under the age of 14 or members of organized trafficking groups may be sentenced to terms from 8 to 15 years. Experts urged the authorities to improve their antitrafficking prosecutions by establishing a special witness protection program for trafficking victims and broadening the existing law to correspond to international norms. However, the MOI continued to cite insufficient

financial resources as the reason for not implementing a witness protection program in any sphere, beyond a limited protection detail for the duration of a trial.

The government increased its investigation and prosecution of suspected traffickers during the year, largely due to an increase in the resources allotted by the MOI to its newly created antitrafficking department. However, resources allotted to combating trafficking in persons by the PGO remained far from adequate. During the first 9 months of the year, according to statistics supplied by the MOI, 354 cases were filed involving 217 suspected traffickers and 390 victims, including 41 minors. The authorities broke up 32 organized criminal rings involved in human trafficking in the same period. During the first 6 months, at least 149 criminal cases were brought to trial. Sentences were handed down on 58 defendants, including 31 women; 38 defendants received suspended sentences, 4 were sentenced to up to 5 years in prison, 9 received 3-to-5-years, 6 received 5-to-7 years, and 1 was sentenced to 8 years.

At the beginning of the year, the MOI raised the status of its unit that specializes in antitrafficking matters to that of a stand-alone antitrafficking department; it had previously been part of the criminal investigation department. As of year's end the antitrafficking department had branches in each of the ministry's 27 regional directorates, and more than 500 officers are exclusively dedicated to combating trafficking in persons. In 2004, in contrast, only 200 officers were assigned to the trafficking unit, but they also worked on non-trafficking cases. The department received training and equipment from international donors.

The government reported that it regularly reviewed the licenses of domestic employment agencies. In a limited number of cases during the year, the Ministry of Labor and Social Policy withdrew agency licenses because of involvement in trafficking.

The government sought to cooperate with foreign governments to investigate and prosecute trafficking cases; however, efforts were hampered by a number of factors, including insufficient investigative resources, the reluctance of many victims to give evidence against traffickers, and a lack of timely cooperation from law enforcement officials in most destination countries.

The country remained a point of origin for internationally trafficked men, women, and children. The main destinations were Turkey, Russia, West and Central Europe, especially Poland, and the Middle East. There were also reports that women and girls were trafficked to South Korea, Japan, Nigeria, and Liberia.

The country also was increasingly a transit route for individuals from Central Asia, Russia, and Moldova. The International Organization for Migration (IOM) reported that as of September 30, at least 78 individuals from Moldova, Russia, Kyrgyzstan, and Uzbekistan had been trafficked through Ukraine to Turkey.

Ukraine was also a destination country for individuals trafficked from former Soviet republics and South Asia. For example, the IOM reported one case of trafficking from Moldova to Ukraine. A much larger problem involved trafficking of individuals within the country. As of September 30, the IOM reported three cases of internal trafficking. However, the IOM believed the actual number was 100 times greater. There were a few reports that mothers trafficked their underage children and forced them to beg.

There were also reports that both women and men were forced to work in agriculture, especially in the southern regions, in summer and autumn. Children were exploited in industrial cities in the east. For example, 2 adults in the eastern town of Snizhne, Donetsk Region, were arrested and given 4-year suspended sentences for creating a foster home and then forcing 11 foster children to work in their illegal coal mine (see section 5, Children).

Men were mainly trafficked as construction workers and miners. Children who were trafficked across the border or within the country were forced to provide sexual services, engage in unpaid work, or beg. The overwhelming majority of trafficking victims were women, who were used as sex-workers, housekeepers, seamstresses, and dishwashers. Trafficked women were also used to bear children for infertile couples. There was a lack of information regarding male victims of trafficking, because men generally did not recognize themselves as victims of trafficking. As a result, men rarely addressed complaints to law enforcement agencies.

Estimates regarding the number of trafficked citizens varied, but the IOM stated that one 1 of every 10 persons knew someone in their community who has been trafficked. According to Human Rights Ombudsman Karpachova, approximately five to seven million citizens lived and worked abroad, many without legal protection, and were therefore potentially vulnerable to traffickers.

Traffickers used a variety of methods to recruit victims, including advertisements in newspapers and on television and radio that offered jobs abroad with high salaries and promises of modelling contracts, marriage proposals, and trips through

travel agencies. Traffickers often presented themselves as friends of other friends and deceived the relatives of potential victims. Most of the traffickers were members of organized crime groups. The traffickers often paid for the processing of passports and travel documents for the victims, thus placing them into debt bondage. In some cases the traffickers simply kidnapped their victims.

Corruption in the judiciary and police continued to impede the government's ability to combat trafficking. Local officials reportedly aided organized crime groups involved in trafficking; a police officer, for example, allegedly assisted an organized crime gang that trafficked minors to Russian pedophiles. NGOs asserted that local police and border guards received bribes in return for ignoring trafficking. The authorities did not disclose official statistics on corruption related to trafficking, but some law enforcement investigations of human trafficking revealed abuses of power by governmental officials responsible for issuing passports. Officials issued passports to minors, for example, with false age or other information. The low number of prosecutions of government officials for such activities raised questions about whether the government was willing to take serious disciplinary action, especially against high-level officials.

Although some victims testified against traffickers during the year, victims often were reluctant to seek legal action against them. This reluctance was due largely to lack of trust in law enforcement agencies, negative public opinion toward trafficking victims, and the insufficient protection offered to witnesses as a result of budgetary considerations.

From January to October, the IOM helped 488 trafficking victims to return and reintegrate into society. The IOM continued to operate a comprehensive medical center and shelter for victims of trafficking in Kiev, providing medical and psychological services, including vocational counseling, to 174 individuals during the first 9 months of the year. However, these victims represented only a small percentage of the total number of Ukrainians trafficked abroad. Limited medical, psychological, and legal assistance was available, as was job skills training, job placement, and micro-credits. Psychological assistance was widely available through state institutions, but medical assistance was only available from shelters funded by international organizations and was not fully provided in all cases.

Between February and August, the international NGO Caritas provided 51 victims of trafficking with reintegration assistance in their shelter. Caritas also established a network of counseling centers providing social services to trafficked women in Khmelnytsky, Ivano-Frankivsk, Sokal, and Drohobych. Between February and August these centers provided 1,189 consultations regarding the prevention of trafficking.

Another 31 smaller NGOs facilitate cooperation between victims, communities, and law enforcement organizations in addressing trafficking issues. With foreign government assistance, the help of local administrations, and their own resources, local NGOs continued to serve as trafficking prevention and women's support centers in the regions. Among other things, the centers provided legal and psychological counseling to trafficking victims. NGOs also operated 18 regional hotlines for trafficking victims in different cities.

The government worked to improve assistance provided by its diplomatic missions to victims in destination countries. In 2004 the country's consulates abroad identified 560 missing citizens and helped repatriate 825 women who were victims of trafficking. The Ministry of Foreign Affairs set up a center in Kiev for the protection of citizens abroad. It provided free consultations regarding their rights in foreign countries.

During the year the Ministry of Family, Youth and Sports, in conjunction with the IOM and with funding provided by the European Commission, opened three shelters, in Odesa, Lutsk and Zhytomyr, for the rehabilitation and reintegration of trafficking victims.

Government cooperation with NGOs on trafficking issues was steady during the year. Local administrations continued to include NGOs as partner organizations in their regional action plans.

During the year several television stations broadcast documentary films and informational programs highlighting the danger of human trafficking. NGOs conducted general awareness campaigns throughout the country, often in cooperation with government entities. International organizations also started trafficking-prevention information campaigns featuring popular Ukrainian celebrities such as 2004 Eurovision contest winner Ruslana. At a nationally televised event, public figures, including First Lady Kateryna Yushchenko, urged the public to be supportive of trafficking victims.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or other state services.

However, the government did little to increase opportunities for persons with disabilities, and advocacy groups maintained that there was societal discrimination against persons with disabilities. The law mandates access to buildings and other public facilities for persons with disabilities but it was poorly enforced. The media reported on June 1 that President Yushchenko issued a decree ordering the government to ensure that persons with disabilities could physically access government and public buildings but, while there were some efforts made to comply with the decree, most public buildings remained inaccessible.

Only 14 percent of the country's 2.47 million persons with disabilities were employed, according to a September 21 report in the national newspaper *Den*, which cited the State Committee for Statistics.

At a September 29 press conference in Kiev, the head of the National Assembly of Ukrainian Invalids, member of parliament Valeriy Sushkevych, complained that the deaf continued to encounter problems in receiving high-quality education and good jobs. Sushkevych said that there were about 50 schools for children with hearing problems but teaching standards were very low. According to the Ukrainian Society for the Deaf, as of year's end, there were approximately 57 thousand persons with hearing problems, including approximately 2 thousand children under the age of 14. According to the society's statistics, 2,600 deaf children attended primary and secondary schools, while about 1 thousand were students of higher educational establishments.

In 2004 the government supported the efforts of the NGO Parostok to involve individuals with disabilities in politics and to help ensure that they were able to cast votes at polling stations during the presidential elections.

National/Racial/Ethnic Minorities.—Harassment of racial minorities was a continuing problem. The police routinely detained dark-skinned persons for arbitrary document checks, whereas document checks of light-skinned individuals were rare. Although the authorities disciplined police who engaged in this harassment when incidents were brought to their attention, such behavior remained common. There were multiple reports of racially motivated violence against persons of African and Asian heritage by skinheads. Representatives of minority groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma are located throughout the country, but there are concentrations in Zakarpattya Region, Crimea, and around Odesa. Police continued to abuse them and use violence against them. For example, according to the human rights NGO Romani Yag, on January 20 police in Uzhhorod conducted early-morning raids on the homes of Romani families in the city's Radvanka and Telmana neighborhoods. All Romani men seized in the operation, including the elderly and the ill, were taken by the police for fingerprinting. At a February 8 roundtable with Romani leaders in the city, Deputy Uzhhorod Police Chief Myhailo Turzhanytsa defended the operation, characterizing it as a "prophylactic action which was carried out as a consequence of increased criminality" in the Romani community.

Roma also faced considerable societal hostility. Opinion polls indicated that social intolerance is greater toward Roma than toward any other ethnic group. The media reported on August 10 that riot police in Krasnoyilsk, Chernivtsi Region, deployed to protect a Roma camp from vigilante violence by local residents seeking the alleged killers of an eight-year-old girl.

The constitution provides for the "free development, use, and protection of the Russian language and other minority languages," but some pro-Russian organizations in the eastern part of the country and in Crimea complained about the increased use of Ukrainian in schools, the media, and the courts. These groups claimed, for example, that their children were disadvantaged when taking academic entrance examinations, since all applicants were required to take a Ukrainian language test. Government representatives disagreed. Deputy Minister of Education and Science Viktor Ohnevyuk noted in an August 31 interview with Interfax that "every fifth student in Ukraine is taught in Russian." According to Ohnevyuk, 1,500 schools teach students in the Russian language. In addition, he said that 550 schools teach students in two languages, either Russian and Ukrainian or Russian and Crimean-Tatar. Ohnevyuk also related that over 27 thousand schoolchildren studied in Romanian, around 20 thousand were taught in Hungarian (primarily in Zakarpattya Region), 6,500 in Moldovan (primarily in Odesa Region), 6 thousand in Crimean-Tatar, and 1,400 in Polish.

A poll conducted in April by the Democratic Initiatives Fund showed that 76 percent of the respondents supported the granting of official status to the Russian language.

The Russian cultural center in Lviv was vandalized multiple times during the year. The media reported that, on the night of June 7, a bust of the Russian writer Pushkin was destroyed. According to media reports, unidentified vandals spray-

painted a swastika on the center's facade on September 21 and on November 16 smashed several of the center's windows.

Ukrainian and Crimean Tatar minorities credibly complained of discrimination by the ethnic-Russian majority in Crimea and called for the Ukrainian and Crimean-Tatar languages to be given a status equal to Russian. Crimean Tatar leaders also continued to call for changes in the electoral law that would allow them to achieve greater representation in the Crimean legislature (see section 3).

Crimean Tatar leaders complained that their community, whose members have returned to Ukraine over recent decades after having been forcibly exiled from their traditional Crimean homeland during World War II, were not receiving adequate assistance in resettling. Returning Tatars were given land plots on the peninsula, but only inland, and not along Crimea's desirable southern coast from which Tatars claimed they were exiled. The previously onerous process of acquiring citizenship excluded many of them from participating in elections and deprived them of a fair opportunity to participate in the privatization of land and state assets in the 1990's. The newly privatized land was subsequently priced beyond their means. They asserted that discrimination at the hands of (largely ethnic-Russian) officials in Crimea deprived them of employment in local administrations and that propaganda campaigns, particularly by Russian Cossacks, fomented hostility toward them among other inhabitants of Crimea.

Muslim leaders in Crimea, as well as members of the Crimean Tatar Mejlis, accused the UOC-MP of encouraging anti-Muslim and anti-Tatar violence in Crimea. UOC-MP priests in Crimea reportedly assured ethnic Russian vigilantes, who refer to themselves as Cossacks, that violence against Muslim Tatars was justified in order to "protect Orthodoxy" in Crimea.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country, noting that neighboring countries accept them as minorities.

Other Societal Abuses and Discrimination.—The media reported on March 22 that the anti-Semitic MAUP expelled a gay student from its law college because the student had circulated leaflets among fellow students calling for the protection of the rights of gays and lesbians. The gay student sued MAUP. On August 19, the Holosivskiy District Court in Kiev ruled in favor of the student and ordered MAUP to pay him compensation of \$120 (UAH 600). The student subsequently transferred to Kiev State University.

There were no indications that two cases of possible mistreatment of homosexuals were being pursued by the authorities. One case involved a February 2004 complaint to the ombudsman's office by two gay men about harassment by police in Volyn Region. The other was the suspicious death in September 2004 of a gay man in Kryvyy Rih while in police custody.

From September 30 until October 3, Nash Mir, the country's leading NGO that advocates for gays and lesbians, hosted a conference in Kiev to publicize the results of a one-year study, financed by the EU and the International Renaissance Foundation, on discrimination against homosexuals. The final results were based on more than 900 interviews and questionnaires involving homosexuals of different sexes, ages, places of residence, and social status. It concluded that homosexuals were generally treated with prejudice in Ukrainian society. It noted that homosexuals faced discrimination from law enforcement agencies and the country's health care workers, among others, and that the media frequently provided a "distorted representation" of persons with nontraditional sexual orientations.

Persons living with HIV/AIDS continued to face discrimination in the workplace, job loss without legal recourse, harassment by law enforcement, prosecutorial, and judicial authorities, and social isolation and stigmatization within their communities.

Incitement to Acts of Discrimination.—Mejlis members and Crimea-based human rights groups criticized the Crimean government for permitting schools to use officially-sanctioned textbooks that contain inflammatory and historically inaccurate material about Tatar Muslims. Human rights activists specifically noted that a popular textbook for fifth graders, Viktor Misan's *Stories on the History of Ukraine*, contains more than 20 pejorative references to Muslims, including the assertion that Tatar children had frequently used "elderly and disabled Ukrainian captives for archery and saber practice." Similarly, A.K. Shchvidko's eighth-grade textbook, *History of Ukraine, 16–18th Centuries*, depicts Muslims in a negative light, asserting, for example, that "there wasn't a year when Tatars didn't invade Ukraine, burn its villages and towns, slaughter its citizens, and take prisoners." One major Crimea-based human rights group noted that such misinformation collectively created an impression among young persons that "Tatars are bad for Ukraine and that to kill and rob them is a blessed deed."

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of most workers to join unions to defend professional, social and economic interests, and this right was generally respected in practice. The law prohibits certain categories of workers, such as nuclear power plant employees, from joining unions. Large companies and some local government officials continued to resist the formation of unions.

Under the law, all trade unions have equal status, and the establishment of a trade union does not require government permission. However, unions affiliated with the Federation of Trade Unions (FPU), which maintained strong ties with the government and inherited assets from the official Soviet-era unions, enjoyed an advantage in organizing workers.

Since 2003 unions no longer need prior approval from the Ministry of Justice to be established. But in order to function as an organization for all practical purposes, a union must obtain proof of registration as a legal entity. Unions report this registration process is extremely burdensome, entailing visiting up to 10 different offices, submitting extensive documentation, and paying a number of fees.

In order to acquire national status, which allows a union to negotiate directly and sign agreements with government ministries and to communicate officially with the cabinet and president, a union must either have branches in more than half of the administrative regions or have branches in more than half of the administrative regions where the enterprises of this sector are located. The Law on Citizens' Organizations (which include trade unions) stipulates noninterference by public authorities in the activities of these organizations, which have the right to establish and join federations on a voluntary basis. There were both "official" and "independent" trade unions.

All unions affiliated with the FPU, which maintained strong ties to the government and inherited assets from the official Soviet-era unions, as well as several new, independent labor unions, were registered. However, some independent unions, including newer affiliates of the Independent Miners Union of Ukraine whose member unions represented a wide variety of trades and professions, chose not to register, considering themselves legal entities under the 2003 Law on Trade Unions and thus exempt from registration requirements. Although often coordinating its activities with the government, the FPU continued to work independently on some labor matters and advocated the right of workers to strike. The FPU has supported the protests of some professions over unpaid wages, but most FPU affiliates worked closely with management. Enterprise managers were free to join the FPU. The FPU leadership had a political party, the All-Ukrainian Party of Workers.

Independent unions provided an alternative to the official unions in many sectors of the economy. As of October 1, there were 109 trade unions registered with the MOJ, including 40 national-level industrial sector FPU unions and 69 new trade unions. The Confederation of Free Trade Unions of Ukraine (CFTU) reported that, as of October, they had only six national-level unions registered with the MOJ. The CFTU estimated its total membership at 211 thousand. While exact membership figures were unknown, there were estimated to be fewer than 2 million non-FPU members (down from 3 million in 2002) and 11 million (down from 14.5 million in 2002 and 12 million in 2004) members of FPU-affiliated unions. The drop in union membership was attributed to general apathy and cynicism regarding the benefits of union membership, as well as the fact that membership was no longer required for certain benefits, such as sick leave.

Despite heightened expectations of a change in policy following the Orange Revolution, independent unions continued to be denied a share of the former Soviet trade unions' huge property and financial holdings. These included the social insurance benefit funds, a Soviet-era legacy on whose boards FPU-affiliated unions held the majority of seats, giving them a benefit the independent unions could not offer.

Independent trade union leaders complained that government representatives sought to influence union votes and pressure members to report on union activities. At the same time, independent trade union leaders reported a decline in the intense level of harassment experienced prior to the 2004 presidential elections.

Despite the independent unions' strong efforts on behalf of President Yushchenko's presidential campaign, the new government did not enact any serious labor reforms. Some restructuring, such as the April 20 presidential decree that abolished the State Labor Safety Committee and incorporated its functions into the Ministry of Emergencies, was, in fact, detrimental to workers. Independent trade union leaders believed subordination to the Ministry of Emergencies meant labor safety officials were no longer able to act independently as the primary coalmine watchdogs.

Oleksandr Yurkin, former head of the Nuclear Power Workers Union, became chairman of the FPU on January 21. Yurkin was reportedly more open to reform

than prior leaders, but his actions were hampered by the rest of the FPU management that had not changed. Large companies and some local government officials continued to restrict union activities.

b. The Right to Organize and Bargain Collectively.—The law permits trade unions to organize and participate in collective bargaining, but these rights were not always respected in practice.

According to the law, joint worker-management commissions should resolve problems concerning wages, working conditions, and the rights and duties of management at the enterprise level. Although the law provides the right to collective bargaining, overlapping spheres of responsibility frequently impeded the collective bargaining process, and the manner in which the collective bargaining law was applied prejudiced the bargaining process against independent unions and favored the official unions (affiliates of the FPU). In the formal sector, collective bargaining agreements covered 90 percent of unionized employees, according to a November World Bank study. Most workers were not informed that they were not obligated to join an official union. Renouncing membership in an official union and joining an independent union could be bureaucratically onerous and typically was discouraged by management. The law allows an independent union to be removed easily from the collective bargaining process at the enterprise level. Under the law, if several unions at an enterprise fail to agree on joint representation, the largest union—that is, the FPU—represents labor in the bargaining process.

The law established the National Mediation and Reconciliation Service to mediate labor disputes. According to official statistics, the service addressed 213 labor disputes during first nine months of the year, resolving 70 of them.

The law provides for the right to strike “to defend one’s economic and social interests,” as long as strikes do not jeopardize national security, public health, or the rights and liberties of others; the government generally respected this right. It does not extend the right to strike to personnel of the PGO, the judiciary, armed forces, security services, law enforcement agencies, the transportation sector, or public servants. Workers who strike in prohibited sectors may receive prison terms of up to three years. As of October, one enterprise (with 408 employees) had participated in a strike.

Approximately 90 thousand workers were employed in the country’s 11 export processing zones. Tax and customs privileges granted to the companies in the zones were eliminated on March 29. The changes led to restructuring and job losses among enterprises in the zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred (see section 5 and section 6.d.).

Human rights groups asserted that alternative service military conscripts were used as compulsory labor in the construction and refurbishing of private houses for military and government officials. There were reports that, at Zakarpattya Region’s Pavchino detention center, border guards generated income, including their own salaries, by “leasing” migrants to a neighboring factory. The migrants were forced to work long shifts, including at night, without compensation; those who refused to work were beaten and, in one case, mauled by a guard dog.

d. Prohibition of Child Labor and Minimum Age for Employment.—The government recognized child labor problems but did not effectively enforce laws to protect children from exploitation in the workplace. The legal minimum age for employment in most spheres of the economy is 16, but in certain non-hazardous industries, enterprises may negotiate with the government to hire employees as young as 15 with the consent of one parent. Children aged 14 can legally work on a short-term basis in the social sector and agriculture with the consent of one parent.

The State Department for Monitoring Enforcement of Labor Legislation within the Ministry of Labor and Social Policy is responsible for enforcing child labor laws and was generally effective; however, some children under the minimum employment age worked in the informal sector. An amendment to the Law on Child Protection, adopted in February, prohibits trafficking in children and children working in hazardous conditions.

Children worked in the agricultural sector, and trafficking of children for the purpose of forced labor and sexual exploitation was a problem (see section 5). Begging by children existed, although it was limited. In the formal sector, the State Department of Surveillance Over Labor Legislation Observance and the State Labor Inspectorate are responsible for enforcing child labor laws and policies. The Department of Juvenile Affairs and the police are responsible for identifying children in the informal sector that are involved in worst forms of child labor. During the year enforcement measures were often inadequate to deter violations. The International

Labor Organization's International Program on the Elimination of Child Labor (ILO/IPEC) has a country-specific project aimed at eradicating the worst forms of child labor in the informal economy. The ILO/PEC also continued a project for prevention of trafficking in children.

e. Acceptable Conditions of Work.—The new government substantially increased the monthly minimum wage, pensions and other social payments with the March 29 budget. The government raised the minimum wage three times during the year, to \$66 (UAH 330) to make it equal to the subsistence level for persons with disabilities set by the 2005 budget. Nonetheless, the minimum wage and associated pension levels did not provide a decent standard of living for a worker and family. The State Labor Inspectorate is responsible for enforcing the minimum wage but was unable to thoroughly monitor all employers. Many workers, especially in the informal sector, received far below the minimum wage.

Since the beginning of the year, wage arrears have increased by 15.9 percent and as of August 1 stood at \$258 million (UAH 1.29 billion). Most arrears accumulated in industry (48.1 percent), agriculture (23.3 percent), and construction (10.1 percent).

The law provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries significantly reduced the workweek for some categories of workers. The law provides for double pay for overtime work and regulates the amount of overtime hours allowed. However, regulations covering rest periods, maximum hours, and overtime were not always effectively enforced.

Although the law contains occupational safety and health standards, these frequently were ignored in practice. In particular, illegal coalmines connected to organized crime and corrupt leaders operated in unsafe conditions, resulting in scores of deaths. A 10-day inspection in Donetsk Region by officials in April uncovered 1,300 violations of labor safety and resulted in the closure of 60 facilities at 10 mining sites. Lax safety standards and aging equipment caused many injuries on the job. During the first 9 months of the year, there were 15,011 injuries (1,781 fewer than for the same period in 2004), including 762 job-related fatalities (96 fewer than in the previous year). The number of miners injured in the coal sector was 7,768 (down from 9,218 in 2004), including 157 fatalities (compared with 200 in 2004).

In the coalmining sector, experts estimated that in the first eight months of the year there were 1.98 deaths (down from 2.57 in 2004) for every million tons of raw coal extracted. Increased enforcement of safety regulations was a major factor in this reduction, although the numbers remained quite high. The new government established in May a coal industry development program, as well as working groups to analyze the situation in the mining and metallurgical sector, but these efforts have not yet resulted in any substantial improvements in health and safety in the mines.

In theory, workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, independent trade unions reported that in practice, asserting this right would result in retaliation or perhaps dismissal by management.

UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland, with a population of 60.4 million, is a constitutional monarchy with a democratic, parliamentary government. Citizens periodically choose their representatives in free and fair multiparty elections; a national parliamentary election took place on May 15. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; the law and judiciary provide effective means of addressing individual instances of abuse. The following human rights problems were reported:

- occasional abuse of detainees and other persons by individual members of the police and military
- overcrowded prison conditions and some inadequate prison infrastructure
- violence and discrimination against ethnic and religious minorities, women, and children
- trafficking of persons into the country

Although most paramilitary organizations in Northern Ireland continued to maintain a cease-fire, killings and “punishment attacks” continued in some areas under the influence of both republican and loyalist paramilitary groups.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no politically motivated killings by the government or its agents.

According to the Independent Police Complaints Commission (IPCC), 106 people died between April 2004 and March while being arrested by the police or while in police custody, including road traffic fatalities and fatal shootings; since April, police shot and killed 5 persons. The IPCC investigates fatal shootings by the police and refers officers to the Crown Prosecution Service should there be an indication that the deaths resulted from police misconduct. There was no indication that deaths resulted from police misconduct among cases in which the IPCC completed its investigation.

Members of the Metropolitan Police Service (MPS) killed Jean Charles de Menezes on July 22, the day after failed bombing attempts in London and two weeks after the July 7 terrorist attacks in which 56 persons died. The police subsequently stated that de Menezes was not a suspect in the terrorist attacks. An IPCC investigation was pending at year’s end.

In October the government responded to the Parliament’s Joint Committee on Human Rights December 2004 call for a task force to develop guidelines on how to prevent deaths in custody with a commitment to build on its existing Ministerial Roundtable on Suicides and to strengthen the links between the Roundtable and other government structures which address prison suicides.

An independent review by the Devon and Cornwall police of the Surrey police investigation into the 1995–2002 deaths by gunshot of four soldiers at the Princess Royal Barracks, Deepcut, found no improper army influence on the Surrey investigation. However, the review criticized the leadership of the Surrey police investigation. An additional review initiated by the armed forces minister in December 2004 remained ongoing.

Authorities initiated judicial inquiries and preliminary proceedings into allegations of government involvement, collusion, or culpability in three controversial killings that took place in Northern Ireland in the 1980s and 1990s. A separate inquiry into the 1989 killing of Pat Finucane remained pending.

The Saville Inquiry chairman and two other judges continued drafting their report into the January 1972 “Bloody Sunday” events.

The Independent Monitoring Commission reported that paramilitary groups were thought to be responsible for seven killings in Northern Ireland from September 2004 to August.

In July dissident republican paramilitaries participated in a violent riot directed at police officers in Belfast. In September loyalist paramilitary groups participated in rioting in which more than 150 shots were fired. The Loyalist Ulster Volunteer Force and the Ulster Volunteer Force engaged in a feud marked by assassinations. In September the Independent International Commission on Decommissioning reported that the Provisional Irish Republican Army had put all of its weapons “beyond use.”

On July 7, four terrorist attacks on London’s public transportation system killed 56 people, and on July 21, terrorists attempted but failed to inflict additional casualties on the nation’s capital. After the July terrorist attacks, the government proposed new laws and regulations, which were debated in Parliament and public.

At year’s end two separate courts-martial were pending for 11 soldiers relating to the deaths of 2 Iraqi detainees in 2003. The charges in a case against seven paratroopers were dismissed in November. In January four soldiers were convicted and dismissed from the army in relation to abuse of Iraqis in their custody. The Crown Prosecution Service was considering charges in another case but had released no further details.

b. Disappearance.—There were no reports of politically motivated disappearances. In June the Police Service of Northern Ireland (PSNI) recovered the remains of Gareth O’Connor, who disappeared in 2003.

The government and the Republic of Ireland hired a forensic expert to assist in the possible recovery of remains of nine victims killed and secretly buried by the Provisional Irish Republican Army in the 1970s.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were complaints that individual members of the police occasionally abused detainees. On December 8, the House of

Lords Judicial Committee reversed an appeals court decision and ruled that even in terrorism cases no court could consider evidence obtained through torture.

A March report by the Adult Learning Inspectorate, citing Armed Forces surveys, stated that 10 percent of the personnel (or 20 thousand individuals) in the three military services had suffered bullying and harassment. The abuses were attributed to hazing or punishment by peers or commanders for minor infractions, such as not making a bed correctly. The report recommended zero tolerance for such abuses.

From April through December 2004 (the most recent period for which statistics were available), 1,103 complaints against police were referred to the IPCC. Between April 2004 and March, the police ombudsman for Northern Ireland received 2,885 complaints that involved 4,206 allegations of police misconduct. The chief constable also referred 72 matters to the ombudsman, and the ombudsman investigated 4 other matters deemed to be in the public interest. The ombudsman stated that “a significant change in the nature of allegations” had taken place over the last 4 years, noting that the percentage of allegations regarding oppressive behavior (for example, assault, intimidation, and harassment) had fallen from 51 percent to 36 percent of the total number of allegations received. The ombudsman recommended seven cases to the director of public prosecutions for possible legal action.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out killings or “punishment attacks” in areas under paramilitary influence. The attacks often aimed to maintain or extend the control of paramilitary groups in an area. The PSNI reported that, through November, 111 paramilitary-style attacks had occurred in Northern Ireland; of these, 58 were shootings and 53 were beatings. Human rights groups stated that available statistics underreported the casualties because many intimidated victims did not report the attacks. Sinn Fein continued to withhold support for the police service, which contributed to the refusal of many republicans to assist with PSNI investigations into serious crime, including murder and sexual assault.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, overcrowding, poor facilities, and suicides occurred. As of December 23, the Prison Service reported 75,561 prisoners in England and Wales, an increase of 1,500 from the same date in 2004. A July Prison Reform Trust (PRT) report recorded that 82 of 142 prisons in England and Wales suffered from overcrowding, down from 91 in 2004.

As of November 8, there were 6,932 prisoners in Scotland, an increase of approximately 150 compared with the previous year. Hundreds of prisoners in Scottish prisons have sued the Scottish Executive (government) over conditions that do not meet European Union standards, particularly by not offering plumbing in individual cells. A prisoner in Barlinnie Prison received a court-ordered financial award during the year when the judges ruled that prison conditions had aggravated the prisoner’s medical problems.

A May report by the chief inspector of prisons and the chief inspector of criminal justice criticized conditions for female inmates at the Hydebank Wood Centre in Belfast. The report highlighted inadequate sanitation and shortages of trained staff to deal with inmates who are at risk for suicide or self-harm. The report recommended construction of a new prison for female inmates. The Northern Ireland Prison Service announced that it accepted most of the report’s recommendations.

During the year 78 prisoners in England and Wales committed suicide in jail, a decrease of 18 percent from 2004; an additional 131 prisoners were resuscitated after serious self-harm incidents. The July PRT report stated that the institutions with the highest number of suicides were generally the most overcrowded and that nearly two-thirds of those who committed suicide in prison had a history of drug abuse. By year’s end 41 prisons had implemented a new care plan for at-risk prisoners. In Scotland four prisoners committed suicide between April 2004 and March.

The government permitted independent human rights observers and the media to visit prisons and immigration detention centers.

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

Role of the Police and Security Apparatus.—In Great Britain, regional police forces (44 in England and Wales and 8 in Scotland) are responsible for maintaining law and order. In Northern Ireland the PSNI has that responsibility. In some areas of Northern Ireland, because of the continuing threat of violence, army units reinforced the PSNI.

In August the National Criminal Intelligence Service reported that organized criminals could exploit individual corrupt officials. The Inspectorate of Constabulary promotes efficient and effective police practices and inspects police units for compliance with relevant laws and procedures, including police corruption. The IPCC in-

investigates specific allegations against police officials, including supervising the investigation of five Gwent police officers arrested in June for misconduct in public office and corruption.

There were incidents of racial discrimination by the police, which authorities took steps to address (see section 5).

Arrest and Detention.—Generally, police officers may only arrest persons if they have reasonable grounds for suspecting that someone has committed or is about to commit one or more listed “arrestable offenses.” Even if the crime in question is not an arrestable offense, a police officer may arrest a person without a warrant, provided the officer believes the arrest is necessary to prevent damage to property or physical injury. The law provides for certain exceptions related to terrorism, particularly in Northern Ireland.

The law limits the amount of time that a suspect can be detained without a formal charge for a criminal offense, generally to less than 24 hours, and requires that an inspector review the detention at set intervals to ensure that it is necessary and lawful. The law also provides law enforcement authorities with the power to detain for up to 48 hours without charge individuals suspected of having committed a terrorism-related offense, which a court may extend for a maximum of 14 days. Suspects are promptly informed of the criminal offenses for which they are being investigated.

Defendants awaiting trial have a statutory right to bail except when there is a risk that they would flee, commit another offense, or in other limited circumstances. Detainees are allowed to make telephone calls and have legal representation, including state-provided counsel if indigent.

The law permits extended detention of foreigners suspected of being terrorists but who cannot be removed from the country immediately, due to concerns that they will be subjected to torture in their country of origin. Such detainees have the right to appeal their certification by the government as a terror suspect, and all the detainees are free to leave the country at any time. In March the government enacted the Prevention of Terrorism Bill, which permits a judge (or the home secretary with a judge’s permission) to impose “control orders” on individuals suspected of involvement with terrorism-related activities regardless of nationality or perceived terrorist cause. The control orders include a range of restrictions up to house arrest.

There were no reports of political detainees.

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

There are several levels of courts. In England and Wales, most criminal cases are heard by magistrates’ courts, which were managed by locally-based committees. Their decisions may be appealed to one of 90 crown courts, which also hear criminal cases requiring a jury trial, or to the high courts. Crown court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the Lords of Appeal in Ordinary (the Law Lords), who constitute the country’s final court of appeal. The Criminal Cases Review Commission is an additional appellate body in England, Wales, and Northern Ireland and considers cases after the judicial appeals process is exhausted, but where significant new evidence casts doubt on the conviction.

In Scotland the High Court of Justiciary acts as a court of first instance for serious crimes, such as rape and murder, and also serves as an appellate body. There are 49 sheriff courts, which handle lesser crimes. District courts in each local authority handle crimes such as breach of peace, minor assaults, and petty theft. Civil matters can be handled in the first instance by either the Court of Session, which is the supreme civil court in Scotland, or by sheriff courts. Decisions by the Court of Session can be appealed to the Law Lords.

Trial Procedures.—The law allows for jury trials, except in England and Wales when the jury has been intimidated, when “compelling new evidence” arises after a previous acquittal, or when evidence of a defendant’s previous misconduct is to be introduced. In Northern Ireland trials for certain terrorism-related crimes also do not allow juries.

Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

Defendants have the right to be present and consult with an attorney in a timely manner, to question witnesses against them, and to appeal to successively higher courts; they also enjoy a presumption of innocence until proven guilty. Indigent defendants have the right to free counsel of their choice, with some exceptions.

Political Prisoners.—There were no reports of political prisoners.

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

A 2002 case brought before the European Court of Human Rights by three non-governmental organizations (NGOs) which stated that the government had intercepted their telephone calls to clients in Ireland without a warrant, remained pending at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to secure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

In Northern Ireland residents in some Catholic communities perceived certain parades to be threatening or provocative. The law grants responsibility for ruling on “contentious” marches to a parades commission, which may not ban marches, but may impose conditions, such as route restrictions. Of the 3,041 legal parades between April 2004 and March, the parades commission re-routed 30 and imposed other conditions on 90. Serious rioting by republicans and loyalists in connection with contentious parades took place on July 12 in the Ardoyne area of north Belfast and from September 10 to 13 in several areas in north and west Belfast. Police showed notable restraint in both July and August given the level of violence directed toward them.

In an August update on its investigation concerning the September 2004 foxhunting protest, the IPCC reported that disciplinary investigations against 15 MPS officers had been withdrawn with the remainder subject to ongoing investigation. Nine of the 17 cases submitted to the Crown Prosecution Service remained pending; four cases were sent to the metropolitan police for consideration of disciplinary action.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice.

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

There are two established (or state) churches, the Church of England (Anglican) and the Church of Scotland (Presbyterian). The monarch is the “Supreme Governor” of the Church of England and always must be a member of the church and promise to uphold it. Two Anglican archbishops and 24 bishops receive automatic membership in the House of Lords, while clergy from other faiths are not automatically granted this privilege.

The government does not consider the Church of Scientology and the Unification Church as religions for the purpose of visas for ministers of religion or missionaries. In October the Home Office lifted the exclusion order against Unification Church leader Reverend Sun Myung Moon.

The law requires religious education in publicly maintained schools throughout the country. The content of religious instruction is decided on a local basis and must be nondenominational and refrain from attempting to convert pupils. All parents have the right to withdraw a child from religious education, but the school must approve this request.

In addition, schools in England and Wales must provide a daily act of collective worship, which may be waived if a school's administration deems it inappropriate for some or all of the students. Under some circumstances, non-Christian worship may be allowed.

While most state-supported schools were Protestant or Roman Catholic, there were 45 Jewish, 5 Muslim, 2 Sikh, 1 Greek Orthodox, and 1 Seventh-day Adventist state-supported schools. Funding for the first Hindu state-supported school was announced in October.

Societal Abuses and Discrimination.—The Forum Against Islamophobia and Racism reported approximately 168 anti-Islamic incidents between January and September.

Attacks against mosques and individuals increased after the July 7 and 21 bombings in London. In the first 3 days after the first attack, 180 racial incidents were reported. Arson and criminal damage was done to mosques in Leeds, Tower Ham-

lets, Merton, Telford, and Birkenhead. A Pakistani man died after what police called a racially aggravated attack.

Between April and the end of the year, the MPS recorded 12,432 hate crimes (related to both race and faith), down from 13,082 in the same period of 2004; 919 of the incidents were faith hate crime, compared with 497 in the same period in 2004.

In December 2004 police arrested the leader of the British National Party (BNP) on suspicion of incitement to racial hatred. His arrest was the twelfth following the July broadcast of a BBC documentary *Secret Agent*, which covertly recorded BNP members as they called Islam a “vicious, wicked faith” and admitted to their participation in racially motivated crimes. The court case remained pending at year’s end.

Fear of intercommunal violence continued a decades-old pattern of segregated communities in Northern Ireland. The Northern Ireland police reported 222 attacks against both Catholic and Protestant churches, schools, and meeting halls during the year. Such sectarian violence often coincided with heightened tensions during the spring and summer marching seasons.

The Community Security Trust recorded 455 anti-Semitic incidents during the year, including 80 assaults, 2 cases of extreme violence, and 48 instances of desecration and damage to property. For example, Jewish graves in a cemetery in Aldershot, Hampshire, were desecrated with Nazi symbols (including the swastika) twice early in the year. In January eight assaults were recorded against Hackney’s Jewish community. Additionally, in June approximately 100 gravestones were pushed over, damaged, and defaced at the West Ham Jewish Cemetery. Six members of an extreme right wing group were convicted in November of plotting to publish material designed to stir up racial hatred and received sentences of up to five years in prison.

The law prohibits offenses aggravated by religious hostility and extends a prohibition against incitement to racial hatred to include cases where the incitement to hatred is directed against groups abroad. Between April 2004 and March, the Crown Prosecution Service prosecuted 34 defendants for religiously aggravated cases, down from 49 for the corresponding period in the previous year. Muslim cleric Abu Hamza al-Masri was charged with 14 counts of solicitation and race hate and 1 under the Terrorism Act; his trial was postponed to early 2006. The mayor of London was widely criticized for making allegedly anti-Semitic comments to a Jewish journalist in February and faced a disciplinary panel over whether his statement brought disrepute to his office.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the government generally respected them in practice.

Although there is no law prohibiting exile, the government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution; however, the government limited this right for persons from “safe countries of origin.” The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol. In 2004 approximately 7,110 persons were not recognized as refugees but were granted permission to remain in the country.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The law authorizes the home secretary to institute a list of safe countries of origin (or safe parts of certain countries) for all residents or for particular classes of people. The government considered asylum claims from such individuals as unfounded.

The law also casts doubts on the credibility of applicants who claim asylum in the country after having passed through a safe country of transit. Furthermore, the law permits asylum seekers to be removed to a third country deemed responsible for adjudicating an applicant’s claim.

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

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

Elections and Political Participation.—The government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every five years; elections for members of Parliament took place on May 5. The other chamber of Parliament, the House of Lords, is appointed. Participation in the political process is open to all persons and parties. Other elected bodies, such as the Scottish Parliament and the Welsh Assembly, control matters of regional importance, such as education, health, and some economic matters.

The overseas territories, with an aggregate population of approximately 212 thousand, enjoyed varying degrees of self-government based on the United Kingdom model, with appointed governors.

There were 127 women in the 659-seat House of Commons. There were 6 women in the 23-member cabinet. There was 1 woman among the 12 Law Lords. There were 15 members of minorities in the 659-seat House of Commons and 1 member of a minority group in the 23-member cabinet. There were 24 minority members of the House of Lords and no minorities among the 12 Law Lords.

Government Corruption and Transparency.—There were no reports of high-profile government corruption cases during the year.

The law allows for public access to information held by public authorities. Anyone can request information, regardless of age, nationality or location. There was a mechanism to appeal denials.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, including the first Northern Ireland Victims Commissioner, who was named in October. Government officials were cooperative and responsive to their views.

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

The law prohibits discrimination based on race, nationality, gender, sexual orientation, or disability; however, some groups continued to experience societal discrimination.

Women.—The law prohibits domestic violence against women, including spousal abuse, and the government strictly enforced the law with penalties ranging up to life imprisonment. Nonetheless, violence against women continued to be a problem. According to the Home Office, two women per week died from domestic violence in England and Wales, which accounted for 16 percent of all violent crime. The Home Office's crime statistics for April 2004 through March recorded 24,120 indecent assaults on women. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence.

The law, which was enforced strictly, criminalizes rape, including spousal rape, and provides substantial penalties ranging up to life imprisonment. The Home Office's crime statistics for April 2004 through March recorded 14,002 rapes of women. The government provided shelters, counseling, and other assistance for victims of battery or rape and offered free legal aid to battered women who were economically reliant on their abusers.

While the law makes it a crime to practice female genital mutilation, or to assist another person in its practice, either domestically or abroad, NGOs reported that the practice continued in isolated incidents among immigrant communities during the year. In May the Scottish Parliament passed the "Prohibition of Female Genital Mutilation (Scotland) Act 2005," providing similar definitions and punishments as in the laws for England and Wales.

While the government does not collect statistics on "honor killings," it has identified 12 such cases in the past 5 years. In November a Bangladeshi father and his two sons were sentenced for up to 20 years' imprisonment for killing an Iranian after learning that his daughter, whom he had already promised to marry to someone else, had become pregnant by the victim.

While prostitution involving consenting adults is legal, offenses such as loitering for the purpose of prostitution and maintaining a brothel are prohibited. A 2004 Home Office report estimated that there were 80 thousand prostitutes in the country. Organized international gangs continued to traffic women into the country for exploitation in the sex industry (see section 5, Trafficking). The law also prohibits child sex tourism and allows authorities to prosecute citizens or residents for offenses committed abroad.

The law prohibits sexual harassment and provides penalties of up to five years' imprisonment for sexual harassment in public or in the workplace.

Although women enjoy the same rights as men, including rights under family and property law and in the judicial system, in practice women experienced some discrimination. According to a December Equal Opportunities Commission report, women's hourly earnings for full-time, private sector employment were 22.5 percent lower than those of men; in full-time public sector jobs, women earned 13.3 percent less than men.

There is a cabinet-level minister for women, a deputy minister for women and equality, and two independent bodies for women's issues: the Equal Opportunities Commission (EOC) and Women's National Commission (WNC). The EOC supported women in discrimination cases before industrial tribunals and courts and produced guidelines for employers. The WNC is an umbrella organization representing women and women's organizations to ensure women's views are taken into account by the government and are heard in public debate.

Children.—The government was strongly committed to children's rights and welfare. The government provided free, universal, and compulsory education until age 16 and further free education until age 18. UN Educational, Scientific, and Cultural Organization statistics recorded 100 percent enrollment of children of primary school age and over 90 percent for those of secondary school age.

The government amply funded medical care for children.

Child abuse remained a problem. As of March there were 25,900 children on child protection registers (locally maintained lists of children whom social-services authorities judged to be at continuing risk of significant harm due to neglect or to physical, sexual, or emotional abuse). Several NGOs and charities, the most prominent of which was the National Society for the Prevention of Cruelty to Children, campaigned against child abuse and neglect.

The minister for children coordinated government policy concerning children and young persons in England and Wales. In Scotland the ministries for education, young people, and communities supervised similar programs designed to protect and provide assistance to minors. In Scotland the Protection of Children and Prevention of Sexual Offences (Scotland) Act went into effect in July. During the year a commissioner for children was appointed in Northern Ireland.

Some children were subjected to forced labor or trafficked into the country for sexual exploitation (see section 5, Trafficking). In July the children's charity, Bernardo's, estimated that at least one thousand children were sexually exploited in London annually.

The armed forces accept recruits from age 16, although they are not deployed on operations until age 18.

Trafficking in Persons.—Although prohibited by law, trafficking in persons, particularly for sexual exploitation, remained a problem.

The law prohibits trafficking in persons for the purposes of prostitution, sexual exploitation, or forced labor. The law criminalizes trafficking offenses by citizens and residents, whether committed domestically or abroad, and carries a maximum sentence of 14 years' imprisonment. The law also prohibits such related acts as keeping a brothel and causing, inciting, or controlling prostitution for gain. There were severe penalties for such offenses as causing, inciting, controlling, arranging, or facilitating the prostitution of a child. The law also criminalizes paying for sexual services of a child.

The "Reflex" task force, which brings together agencies that combat trafficking in persons, reported that in the 12 months ending in March the authorities were responsible for 149 disruptions and 1,456 arrests, resulting in seizures of \$10 million (5.5 million pounds).

Operation Maxim targets organized immigration crime in London. It is a MPS program which works with and is funded in part by Reflex and involves a team of police and immigration officers from the passport service and the Crown Prosecution Service. From January to November, it arrested 143 people and charged 49 people, of whom 32 were convicted and 17 are awaiting trial.

The Home Office, which includes the Immigration and Nationality Directorate, had the lead in efforts to combat trafficking. Other cabinet-level departments involved in antitrafficking efforts include the Foreign and Commonwealth Office, Department of Trade and Industry, Department for Education and Skills, the Crown Prosecution Service, and the Department for International Finance and Development.

The government assisted with international investigations of trafficking.

The country is primarily a destination for trafficking in persons and occasionally a transit point. There was no comprehensive official estimate of the number of victims of trafficking or the annual number of persons trafficked into the country.

Women were trafficked for sexual exploitation from Central and Eastern Europe (primarily the Balkans and the former Soviet Union) and Asia, including China. While many or most trafficked women worked in the sex industry, women, men, and children were also trafficked for labor exploitation in domestic service, agricultural and rural labor, construction, and catering.

Trafficking victims were most often subject to debt bondage, the withholding of travel documents, false information about law enforcement and immigration penalties, or threats of violence against them or their families. Traffickers less frequently employed physical and sexual violence.

Organized international gangs allegedly were responsible for most trafficking for commercial sexual exploitation.

Several NGOs criticized the government for not “opting in” on the European Council directive on providing “reflection periods”—short-term residence permits for victims of trafficking who cooperate with the authorities. However, the government thoroughly considered each instance on a case-by-case basis. Victims were able to make claims for asylum or humanitarian protection. In many cases the government also granted “exceptional leave to remain,” thereby permitting victims to obtain government benefits, including housing, education, and health care. The government did not prosecute victims of trafficking who were violating prostitution or immigration laws; however, they could face repatriation to their country of origin.

Local social services authorities and various charities provided services to trafficking victims. A program run by the Poppy Project received government funding to operate a shelter with capacity for 25 persons. Children who may be victims of trafficking are the responsibility of local social service agencies and were generally placed in the foster care system. The government and the NGO community maintained an active dialogue on victim protection services.

The Foreign and Commonwealth Office and the Department for International Development distributed antitrafficking material in countries of origin. Immigration intelligence assets were deployed across Europe on the main routes for illegal migration and trafficking under the Immigration Liaison Officer program. The National Criminal Intelligence Service engaged in exchange programs in which its officers aided in preventive antitrafficking efforts in Central and Eastern Europe. The government also funded a communication campaign, in partnership with an NGO, which was intended to increase general public awareness, potential victim awareness, and to give trafficked women access to the resources available to them.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law also mandates access to buildings for persons with disabilities, and the government effectively enforced these provisions in practice.

The law mandates that all public service providers (except in the transportation sector) make “reasonable adjustments” to make their services available to persons with disabilities. The law also forbids employers to harass or discriminate against job applicants or employees with disabilities.

The Disability Rights Commission (DRC), an independent organization funded by the government, worked on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The DRC provided a hot line for persons with disabilities and employers, legal advice and support for individuals, and policy advice to the government. The DRC may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

National/Racial/Ethnic Minorities.—Despite legal prohibitions against racial discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin, and Travellers— itinerant populations consisting of Roma, Irish, and other ethnic groups estimated to number 300 thousand persons—were occasionally the victims of societal violence and some discrimination. Of the country’s estimated 4.6 million minorities, 2.3 million persons described themselves as Asian, 1.1 million as Black Caribbean or Black African, and 700 thousand as mixed.

Victim Support, a charity assisting persons affected by crime, received 21,103 referrals for assistance in cases of racially motivated crime between April 2004 and March. The Crown Prosecution Service, which covers England and Wales, prosecuted 4,660 defendants for racially aggravated crimes between April 2004 and March, up from 3,616 during the previous year. The PSNI reported 813 racial incidents in the year ending in April, up from 453 such incidents during the preceding 12-month period. PSNI reported 634 racial crimes, including 187 injuries or assaults, during the same period. From April 2004 to March, there were 3,959 racial complaints in Scotland, resulting in 1,961 prosecutions and 993 guilty verdicts.

There were cases of discriminatory or racist police conduct. In March, 12 police officers were disciplined in connection with a 2003 documentary recording police officers making explicitly racist statements. In July four Greater Manchester police officers were dismissed after a 10-month investigation regarding a racist text message. After a December 2004 inquiry into allegations of racism within the MPS found “clear disproportionality in the way black and minority ethnic officers are treated in relation to the management of their conduct,” the MPS began public discussions on implementing the 37 recommendations from the inquiry.

Since the December 2004 release of the report of the independent Morris Inquiry, the MPS monitored progress on implementing its proposals. Actions taken included establishing a leadership academy and adopting new diversity and recruitment strategies.

Other Societal Abuses and Discrimination.—The law prohibits discrimination and harassment based on sexual orientation; however, sporadic incidents of homophobic violence were reported, including the killing of a man in Clapham in October; three individuals under the age of 18 were arrested in connection with this case. The law encourages judges to impose a greater sentence in assault cases where the victim’s sexual orientation is a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks. In January a former executive became the first person to use successfully the Employment Equality (Sexual Orientation) Act in an employment tribunal to receive compensation for unfair dismissal, harassment, and discrimination.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of workers, except those in the armed forces, public sector security services, and police forces, to form and join unions, and workers exercised this right in practice. Approximately 29 percent of the workforce was unionized. Coverage was most widespread in the public sector, where 57 percent of workers were unionized. In contrast, 17 percent of private sector workers were unionized.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Unions and management typically negotiate so-called “collective agreements,” less formal than collective bargaining contracts. Collective agreements are considered as “implied” into individual work contracts and legally enforceable as such. About 35 percent of the workforce was covered by collective agreements. Under the law a strike must be confined to workers and their own employers; the dispute must be wholly or mainly about employment-related matters (for example, pay and conditions); workers must be properly and secretly balloted before striking (with notice to the employer); and mass picketing is prohibited. Workers freely exercised the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—While the government prohibits forced or compulsory labor, including by children, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively implemented laws and policies to protect children from exploitation in the workplace.

The law prohibits employment in any capacity of children under age 13. Those under age 16 are not permitted to work in an industrial enterprise, including transportation or street trading; their total work hours are strictly limited and may not interfere with school attendance. They may work as part of an educational course. Independent NGOs claimed that up to two million school-age children were involved in part-time employment. A child age 13 to 16 must apply for a work permit from a local authority and the local authority’s education and welfare services have primary responsibility for oversight and enforcement. Authorities effectively enforced these laws. The following central government ministries have additional regulatory responsibilities: the Departments of Health; Trade and industry; and Education and Skills.

There were reports that children were trafficked into the country and forced to work as domestic servants, beggars, pickpockets, drug couriers, or in sweatshops and restaurants (see section 5).

e. Acceptable Conditions of Work.—The national minimum wage, which ranged from \$7.45 to \$8.82 (3.00 pounds to 5.05 pounds) depending on the age of the employee, did not provide a decent standard of living for a worker and family; however,

other government benefits filled the gap, including free universal access to the National Health Service. Tax authorities may issue compliance orders against employers not paying the minimum wage, but employment tribunals handle disputes. The government aggressively monitored employer efforts to bring pay practices into compliance with minimum wage law. Unions and NGOs were also actively involved in ensuring employees' awareness of their rights.

The law limits the workweek to 48 hours averaged over a 17- to 26-week period; however, the regulations do not apply to senior managers and others who can exercise control over their own hours of work. The law provides for one day's rest per week, 11 hours daily rest, and a 20-minute in-work rest break where the working day exceeds 6 hours. The law also mandates a minimum of four weeks paid annual leave, including eight national bank holidays. However, the average worker nationwide receives five weeks of paid annual leave plus eight bank holidays as part of collective agreements. An individual employee may agree through a contract to work overtime for premium pay. The law does not prohibit compulsory overtime, but overtime is limited by the 48-hour week restriction.

The law stipulates that the health and safety of employees not be placed at risk, and it was effectively enforced by the Health and Safety Executive (an arm of the Department of Work and Pensions), which could initiate criminal proceedings in appropriate cases. Workers' representatives also actively monitored enforcement of the law. Workers may legally remove themselves from dangerous work conditions without jeopardy to their continued employment.

UZBEKISTAN

Uzbekistan is an authoritarian state with a population of approximately 26.9 million. The constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches; however, in practice President Islam Karimov and the centralized executive branch dominated political life and exercised nearly complete control over the other branches. The two-chamber Oliy Majlis (parliament) consisted almost entirely of officials appointed by the president and members of parties that supported him. The most recent elections in 2004, for seats in the lower chamber of the parliament, fell significantly short of international standards. The civilian authorities generally maintained effective control over the security forces.

The government's human rights record, already poor, worsened considerably during the year. High and growing unemployment, as well as continuing high levels of corruption, had a negative impact on the economy and contributed to social unrest. These factors likely played a role in precipitating a violent uprising in May in the city of Andijon, which in turn led to a wave of repressive government reaction that dominated the remainder of the year. The Andijon uprising grew out of a series of daily peaceful protests in support of 23 businessmen on trial for Islamic extremism between February and May. By May 10, according to eyewitnesses, the protests grew to between 500 and 1 thousand participants. On the night of May 12-13, an unknown number of unidentified individuals seized weapons from a police garrison, stormed the city prison where the defendants were being held, and released several hundred inmates. According to witnesses and press reports, armed men also attacked and occupied the Hokimiyat (regional administration) building and took hostages. Armed men also attacked a Ministry of Defense garrison, as well as the city Hokimiyat and a theater in Andijon. On May 13, according to several witnesses including locals, and foreign and domestic journalists, a crowd of several thousand civilians, mostly unarmed but encircled by armed civilians, gathered on the square in front of the regional Hokimiyat building, where several demonstrators spoke through a megaphone to protest injustice and economic hardship. That evening, according to several eyewitness accounts, government forces fired indiscriminately and without warning into the crowd. There were credible reports of many more civilians killed while fleeing the scene. The total number of dead was estimated, depending upon the source, at between the government's total of 187, including 31 members of government security forces, and over 700. The government portrayed the events as an attempted coup by Islamic militants seeking to establish a caliphate. Authorities claimed that the majority of those killed were terrorists or other criminals, and that government forces were not responsible for deaths of innocent civilians. Government trial witnesses later testified in court that government forces did not fire until alleged armed rebels in the square had fired upon them for at least 20 minutes, and that government forces only fired upon militants. In the aftermath of the events, authorities jailed hundreds of suspects, including human

rights defenders and independent journalists who conveyed information about the events to foreign media. The government rejected calls by foreign governments, intergovernmental organizations, and NGOs for an independent investigation of the events.

During the year the following human rights problems were reported:

- inability of citizens to change their government through peaceful and democratic means
- prison deaths under suspicious circumstances
- lack of due process
- routine and systematic torture and abuse of detainees by security forces
- intentional and involuntary committal of sane persons to psychiatric treatment as a form of detention or punishment
- poor and life-threatening prison conditions
- increased incidents of arbitrary arrest and detention, including house arrest, sometimes on falsified charges
- politically motivated arrests and incommunicado detention
- impunity of officials responsible for abuses
- lengthy pretrial detention
- infringement of the right to a fair public trial and restricted access to independent monitors
- approximately five thousand political prisoners
- frequent searches of homes by authorities
- occasional eviction of residents from their homes without due process
- regular or frequent detention or mistreatment of family members of persons under criminal investigation
- government limitations on the freedom of speech and press
- arrest, harassment, intimidation, and violence by police and other government forces against journalists
- self-censorship by journalists
- blocked public access to Internet content objectionable to the government
- restricted freedom of assembly and association
- blocked registration of many religious congregations
- societal discrimination against ethnic Uzbek Christians
- limited freedom of movement through the use of exit visas, a local registration regime, and deportation on political grounds
- no formal recognition of asylum or refugee status or established system for providing protection to refugees
- frequent harassment of members of unregistered parties
- widespread public perception of government corruption
- limited respect for constitutional rights to access government information affecting the public
- regular threats and intimidation by police and security forces to prevent human rights activists from conducting activities
- restrictions on human rights and other activities of international bodies and foreign diplomatic missions
- persistent societal discrimination against women
- societal discrimination against persons with disabilities
- trafficking in women and girls for sexual exploitation, and men for labor exploitation
- denial of workers' rights to associate and bargain collectively
- reports of forced or compulsory labor; continued mobilization of youth for work in the cotton harvest

The government made positive steps during the year to reduce human trafficking. In conjunction with the International Organization for Migration (IOM), the government sponsored training for consular officers abroad, which streamlined the repatriation process for victims of trafficking and significantly improved efforts to free victims, resulting in increased numbers of victims returning to the country.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by the government or its agents. There were, however, numerous eyewitness reports that security forces killed unarmed civilians during the violent disturbances of May 13 in Andijon, although it was difficult to confirm the number of such killings or to attribute responsibility, as the government refused to permit an open investigation with the participation of independent international monitors. Observers estimated at least several hundred were killed, while the government set the number at 187 (including 31 members of government security forces), of which the majority were allegedly armed militants rebelling against state authority. In a May 14 press conference, President Karimov initially denied responsibility for the events, stating, “we don’t shoot at women and children in Uzbekistan.”

The government alleged that militants killed numerous civilians and law enforcement officers in the course of the May events while attempting to seize power from the government and establish an Islamic state. Government sources, including the president, stated that government forces did not fire on unarmed civilians during the Andijon events. However, eyewitnesses reported that soldiers returned to the scene of the shootings on the morning of May 14 and summarily executed wounded persons who remained among the dead. Several other witnesses reported that after the shooting, government workers loaded victims’ bodies onto trucks, transported them to makeshift morgues, and buried many in unmarked graves. Independent eyewitnesses and journalists reported activity by armed civilians during the Andijon events, but it was difficult to determine the number of killings by rebels.

There was one report of a death in prison which may have involved torture, and another in which torture was initially alleged, but unsubstantiated in an independent investigation (see section 1.c.). On September 14, Islamic cleric Shavkat Madumarov died in prison, three days after he was sentenced to seven years’ imprisonment for membership in a banned Islamic group. Madumarov’s family alleged authorities subjected him to torture (see section 1.c.). Madumarov’s death certificate recorded “HIV and anemia” as the causes of death. By year’s end the government had not opened an investigation of the case.

On January 2, Samandar Umarov died in custody at prison number 64/29 in Navoi. Since 2000 Umarov had been serving a 17-year sentence for membership in the prohibited extremist Hizb ut-Tahrir (HT) extremist political movement. Umarov was beaten by prison guards several months before his death. The initial government autopsy indicated a stroke as the cause of death, but Umarov’s family believed that torture was the primary cause. The government authorized an independent forensic review, conducted by a foreign pathologist and a foreign criminal investigations expert under the auspices of Freedom House, which ultimately confirmed the conclusions of the original autopsy. However, the foreign pathologist suspected that effects of the stroke were aggravated by the negligence of prison doctors, who administered high doses of aspirin to treat Umarov’s heart condition.

The government previously allowed international experts to investigate the May 2004 death in custody of Andrei Shelkavenko. In that case also, experts concluded that death did not result from police mistreatment.

The absence of independent medical examiners, and frequent official pressure on families to bury bodies quickly in accordance with Islamic traditions, made it difficult to confirm reports of deaths in custody as a result of torture or mistreatment.

Local and international observers reported that persons sentenced to death were often not given an adequate opportunity to mount a defense or to appeal their sentence. The government provided no notification of execution to the families of condemned persons, and treated the execution dates and places of burial of executed persons as state secrets, a practice the UN Special Rapporteur on Torture condemned as “cruel and inhuman.” The government considered the number of prisoners executed each year to be a state secret. Amnesty International (AI) estimated that scores were executed each year, and the local nongovernmental organization (NGO) Mothers against the Death Penalty and Torture put the number at well over a hundred and estimated the number would increase as a result of new terrorism trials stemming from the May events in Andijon. However, as of the end of the year courts had not issued death sentences in any Andijon-related trials. According to the UN Rapporteur, at least nine inmates, whose death sentences were allegedly based on forced confessions, had been executed from 2002 through September 2004 despite UN Commission on Human Rights’ (UNCHR) requests for their cases to be reviewed. In March authorities told the UNCHR the government had executed a total of 15 individuals in 2003 and 2004 on whose behalf the committee had intervened.

There were no developments and none were expected in the following 2003 deaths: Otamirza Gafarov, who died in custody in Chirchiq prison; or Orif Ershanov, who was severely beaten and died in National Security Service (NSS) detention in Karshi; Nodir Zamonov of Bukhara, who died shortly after police detained him on charges of vandalism.

b. Disappearance.—There was one politically motivated disappearance reported during the year. In August Holiqnazar Ganiev, Ezgulik's Samarkand regional chairman, disappeared near his home and was reported missing for several days until he was dropped on a roadside near Samarkand. An Ezgulik-affiliated attorney who attempted to investigate the case reported that he requested, but did not receive, assistance from local authorities. Human rights activists suspected that authorities kidnapped Ganiev as a means of intimidation.

There were no developments in the 2004 disappearance of Farukh Haydarov, Okiljon Yunusov, and Husnuddin Nazarov.

There were no developments and none were expected in the 2003 disappearance of Sadykhan Rahmanov.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, police and the NSS routinely tortured, beat, and otherwise mistreated detainees to obtain confessions or incriminating information. Police, prison officials, and the NSS allegedly used suffocation, electric shock, deprivation of food and water, and sexual abuse, with beating the most commonly reported method of abuse. Torture and abuse were common in prisons, pre-trial facilities, and local police and security service precincts. Several cases of medical abuse were reported, including forced psychiatric treatment on political grounds and alleged sterilization of women without notification or medical need. Defendants in trials often claimed that their confessions, on which the prosecution based its cases, were extracted as a result of torture (see section 1.e.). A 2003 UN Special Rapporteur on Torture report concluded torture and abuse was systematic throughout the investigative process. During the year the government took a few steps towards reform confined to education and outreach, while in large part it showed little will to address UN conclusions. The office of the prosecutor general blocked a Ministry of Interior (MVD) initiative to create an independent body to investigate the most serious allegations of physical abuse by officials. During the year government officials confirmed that prison regulations permit beatings under the supervision of medical doctors, and prison authorities document all such incidents in detail for prison records. Judges rarely pursued allegations of torture.

Authorities treated individuals suspected of extreme Islamist political sympathies, particularly alleged members of HT, more harshly than ordinary criminals. There were credible reports that investigators subjected pre-trial detainees suspected to be HT members to particularly severe interrogation. After trial, authorities reportedly used disciplinary and punitive measures, including torture, more often with prisoners convicted of extremism than with ordinary inmates. Local human rights workers reported that common criminals were often paid or otherwise induced by authorities to beat HT members. As in previous years there were numerous credible reports that officials in several prisons abused HT members to obtain letters of repentance, which are required for a prisoner to be eligible for amnesty. According to prisoners' relatives, amnestied prisoners, and human rights activists, inmates who refused to write letters disavowing their connection to HT were often beaten or sent into solitary confinement. During the year inmates and a guard at one prison corroborated reports that prison guards systematically beat suspected HT members following the March and April 2004 terrorist attacks.

In February two Sufi Muslims claimed authorities tortured them while in detention (see section 2.c.). In a February trial in Tashkent of six defendants charged with terrorism in connection with the March and April 2004 terrorist bombings and the July 2004 suicide bombings in Tashkent, one defendant testified that he had been beaten repeatedly while in custody (see section 1.e.). In June MVD officers allegedly subjected Yakubjon Aliev to repeated severe beatings during interrogation. Aliev was under arrest on charges that included religious extremism and anticonstitutional activity. On July 18, Aliev's lawyer protested this treatment in writing to the office of the prosecutor general. At year's end the government had not taken action on the case.

The death certificate of Shavkat Madumarov, who died in prison on September 14, reported the cause of his death as HIV and anemia, but his family alleged authorities subjected him to debilitating torture during interrogation and in prison. The family reported government officials delivered Madumarov's body to their home in a sealed casket, monitored the funeral, and warned the family not to open the

casket, or they would face prosecution. The government did not allow an independent investigation into the case.

During the year outside monitors, including the International Committee of the Red Cross (ICRC), were unable to gain access to visit the Tashkent MVD, where in 2004 eyewitnesses, family members, defense attorneys, and representatives of human rights groups claimed authorities frequently and systematically applied torture following the March and April 2004 terrorist attacks.

As in previous years, there were reports that police beat Jehovah's Witnesses.

There were confirmed instances of politically motivated medical abuse. As in past years law enforcement authorities attempted to have local political and human rights activists declared insane and committed to institutions to stop their activities. On August 27, police in Tashkent forcibly committed human rights activist Elena Uralyeva to a psychiatric hospital while preparing criminal charges against her for allegedly distributing caricatures of the national seal. Her confinement continued for two months and her treatment included forcible administering of antipsychotic drugs, despite a medical review panel's finding that she was mentally competent. Independent press, a national human rights NGO, and at least one healthcare worker reported that hospitals in the Ferghana Valley and other regions performed hysterectomies on women shortly after they had given birth, and without their prior knowledge or consent, as part of a systematic effort to reduce the birth rate. Although authorities claimed that hysterectomies were only performed in cases of medical need, NGO and other sources reported several cases of medically unnecessary procedures. In other cases it was reported that doctors implanted contraceptive devices in women who had recently given birth, without their prior knowledge or consent.

On October 22, the attorney of Sanjar Umarov, an arrested opposition political leader found him naked and unresponsive in his cell (see section 1.d.). Human rights organizations and foreign governments called for immediate medical attention in response. Attorneys visited him and found his condition improved. Umarov was given access to doctors who treated him for high blood pressure. Umarov himself denied any mistreatment or drugging at the hands of authorities.

There were several instances in which unidentified assailants attacked human rights activists, journalists, and persons planning or participating in public demonstrations (see sections 2.a, 2.b., and 4). On several occasions police forcibly dispersed public demonstrations, beating protesters and causing varying degrees of injuries. In two instances unknown assailants attacked and beat Jizzakh-based independent journalist Ulugbek Haydarov. On April 23, a single attacker beat Haydarov at his home in Jizzakh, leaving him with a broken collarbone; on June 24, two assailants attacked him during a visit to the city of Karshi. On August 2, an unknown assailant attacked and beat Gavhar Yo'ldosheva, a member of Ezgulik, a human rights association, in the Jizzakh region, the day after she met with a visiting diplomat. The effects of the beating reportedly kept her confined to a hospital for two weeks. On September 8, an Ezgulik member in the Andijon region was dragged from a taxi and beaten by unknown assailants while traveling to Tashkent.

Prison and Detention Center Conditions.—Prison conditions remained poor and life threatening, and there continued to be reports of severe abuses in prisons. According to reports by human rights activists and relatives of prisoners, prison overcrowding remained a problem. Tuberculosis and hepatitis were endemic in the prisons, making even short periods of incarceration potentially life threatening. Prisoners often relied on visits of relatives for food and medicine, which were reportedly in short supply in several prisons.

Official negligence, aggravated in some cases by poor prison conditions, may have contributed to the deaths of at least one inmate. There were also reports that inmates died of communicable diseases such as tuberculosis. The death of Samandar Umarov in Navoi prison 64/29 on January 2 was confirmed by an official autopsy as well as an independent foreign forensic review to have been caused by a stroke, although doctors believed the effects of the stroke were aggravated by prison doctors administering high doses of aspirin to treat a heart condition (see section 1.a.). There was no investigation, and none was expected, into the March 2004 death of Abdurrahman Narzullayev at a Karshi prison due to an acute bronchial infection family members asserted resulted from improper insertion of a feeding tube.

There were reports of inmates working in harsh circumstances and in some cases being beaten in these facilities.

During the year the MVD's Directorate of Prisons (GUIN) continued to operate a new prison training center in Tashkent which opened in October 2004. The center, which will eventually train all of the country's prison guards, utilized a curriculum that included human rights training and basic courses in psychology and prison management.

The government did not grant full access to outside monitors to prisons and detention centers. However, in January the government allowed a group of diplomats, local human rights defenders, and NGOs to visit prison 64/29 in Navoi, where the group conducted several interviews with prison guards and inmates. Similar access was not given to pretrial detention facilities, which are not under GUIN authority. Unlike in previous years independent human rights organizations did not visit detention facilities to monitor conditions. Throughout the year the ICRC pursued negotiations with the government with the aim of securing access to all detained persons consistent with ICRC's usual practices.

Human Rights Watch and other NGOs reported that government agents arrested and physically abused several Andijon residents who returned from Kyrgyzstan after having fled there in the wake of the May events in Andijon (see section 2.d.).

There were no further developments in 2004 criminal proceedings against four police officers in Andijon accused of torturing suspects in a murder investigation.

d. Arbitrary Arrest or Detention.—The law does not provide adequate protection against arbitrary arrest and detention, and these remained problems.

Role of the Police and Security Apparatus.—The MVD controls the police, which are responsible for law enforcement and maintenance of order within the country. The NSS, headed by a chairman who is answerable directly to the president, deals with a broad range of national security questions, including corruption, organized crime, and narcotics. Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. Impunity remained a problem, and officials responsible for abuses were rarely punished. However in May, two police officers were convicted and sentenced to prison in connection with an incident in which they attempted to rape a newlywed bride at gunpoint, and the bride's sister was shot and killed. The MVD's main investigations directorate has procedures to investigate abuse internally and discipline officers accused of rights violations and has done so in several isolated cases. However, there is no independent body charged with investigating such allegations on a systematic basis. The MVD main investigations directorate incorporated human rights training into officers' career development.

Arrest and Detention.—The law grants wide discretion as to the proper basis for an arrest, but requires the arresting authority to forward a report justifying the arrest to a prosecutor within 24 hours of a person being taken into custody. The law also mandates that all detainees, whether they are considered suspects or accused, be questioned within 24 hours; however, suspects have the right to remain silent. Detention without formal charges is limited to 72 hours, although a prosecutor may extend it for an additional 7 days, at which time the person must either be charged or released. In practice authorities continued detaining suspects after the allowable period through various means, including filing false charges, or detaining suspects as witnesses in other cases. Once charges are filed, a suspect may be held in pretrial detention at the prosecutor's discretion during an investigation. 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 until trial on the condition that they provide assurance that they will appear at trial. In such cases the accused is not required to post bail money, but must register each day at a local police station.

A 2003 supreme court decree stated that a defendant has a right to counsel from the moment of detention. In practice access to counsel often was denied or delayed. In several cases investigators pressured defendants to sign statements refusing the services of private attorneys whom family members had hired to defend them. In their place authorities appointed state attorneys, who did not provide effective defense for clients. For example in the August 26 trial in Namangan of Radio Free Europe/Radio Liberty (RFE/RL) journalist Nosir Zokir, the presiding judge denied Zokir's request to allow his own attorney to defend him, and instead appointed a state attorney who was unfamiliar with the case (see sections 1.e. and 2.a.).

In several cases during the year persons were arrested secretly, without providing suspects with access to an attorney or communication with their families. Examples of such treatment occurred in the cases of human rights activists Saidjahon Zaynabitdinov and Hamdam Sulaymonov, as well as several other human rights and political activists who were arrested following the May events in Andijon. There is no judicial supervision of detention, such as habeas corpus.

During the year police frequently and arbitrarily arrested or detained individuals for expressing views critical of the government. On May 27 and July 7, police detained Tashkent-based human rights activist Elena Urayeva to prevent her participation in a protest action. On May 30, police detained Vasila Inoyatova, head of the human rights association Ezgulik, and more than two dozen other members of

Ezgulik and the opposition political party Birlik to prevent their participation in a Tashkent protest. On September 11, authorities detained Namangan-based human rights activist Olimjon Qosimov as he left a meeting at Freedom House in Tashkent, interrogated him, and kept him in detention overnight without filing charges. On October 7, police arrested human rights activist Mutabar Tojibayeva while she prepared to travel to an international human rights conference (see section 4); she was charged with 20 different crimes including extortion, fraud, tax evasion, forgery, slander, and organizing riots. Human rights groups asserted the accusations were politically motivated. She remained in pretrial detention at year's end.

On October 22, authorities arrested Sanjar Umarov, a businessman and leader of the opposition Sunshine Uzbekistan Coalition, on what his supporters said were politically motivated charges of corruption and other economic crimes related to his private business ventures. On December 19, Sunshine Coalition cofounder Nodira Khidoyatova was arrested and charged with similar crimes. Umarov initially had no contact with family or legal counsel. During a visit by his attorney, Umarov exhibited peculiar behavior, although Umarov later denied any mistreatment or drugging by authorities (see section 1.c.). According to family and attorneys investigators pressured both Umarov and Khidoyatova to sign statements refusing the services of their attorneys in order to speed their trials, and Khidoyatova reportedly signed such a statement. Their cases were still pending at year's end.

Following the May events in Andijon, police detained dozens of human rights activists, journalists, and other Andijon residents who had spoken to the press or reported on the events. On May 21, police arrested human rights activist Saidjahon Zaynabitdinov after he posted on the Internet an essay and several information bulletins disputing the government's claim that the organizers of the Andijon protests were Islamic extremists. Zaynabitdinov was among the most outspoken human rights activists following the Andijon events, and spoke extensively with journalists and diplomats regarding the events. Authorities charged him with slander and preparing and distributing materials constituting a threat to public security and public order, among other criminal charges. At year's end he was held in incommunicado detention pending trial. On May 29, police arrested Andijon-based human rights and political activists Dilmurod Muhiddinov, Muhammad Otakhonov, Muzaffamirzo Iskhoqov, Musajon Bobojonov, Nurmuhammad Azizov, and Akbar Oripov. Muhiddinov, Otakhonov, and Bobojonov had gathered information about victims of the May events. Iskhoqov had written articles condemning the Andijon events. Most or all had been in possession of an opposition Birlik party statement that condemned the killings and the government's role in the events. All were charged with slander against the president, conspiracy to overthrow the constitutional order, and preparing and distributing printed materials constituting a threat to public security and public order. Iskhoqov was later released from pretrial detention for health reasons and left the country. On September 8, Otakhonov was released, and charges against him were dropped. Muhiddinov, Bobojonov, Azizov, and Oripov were still in pretrial detention at year's end. On June 4, journalist Tulqin Qorayev, who reported from Andijon on the May events, was subjected to 10 days' administrative detention on charges of petty hooliganism. On August 26, a Namangan criminal court convicted RFE/RL journalist Nosir Zokir of insulting a NSS officer and sentenced him to six months' imprisonment. In October, authorities charged him with insulting the president, an offense that carries a penalty of up to five years' imprisonment (see sections 1.e. and 2.a.). Zokir had reported on the Andijon events, and later conducted a radio interview with a local poet who read a poem criticizing the government role in the events. In October Zokir's son, human rights activist Zokhid Zokir, was jailed for one week on charges of slander toward the government.

In February two Sufi Muslims were given six-year prison sentences; the defendants claimed authorities planted HT leaflets on them during their arrest (see section 2.c.).

During the year there were several arrests on political grounds, in which authorities for extended periods failed to inform the families of arrest and provided no opportunity for detainees to contact relatives or attorneys. On July 4, Hamdam Sulaymonov, Ferghana regional coordinator for the Ezgulik human rights association and member of the opposition Birlik party, was arrested on charges virtually identical to those filed against the six activists arrested by Andijon police on May 29. Police charged Sulaymonov in connection with the Birlik statement condemning actions by government forces during the Andijon events. His family reported him missing and was not informed of his arrest for several days.

There were reports that police arrested persons on false charges as an intimidation tactic to prevent them or their family members from exposing corruption or interfering in local criminal activities. In December Dildora Mukhtarova, the sister of human rights activist Jamshid Mukhtarov of the NGO Ezgulik, was arrested in

Jizzakh in connection with a murder. Mukhtarov and the family's attorney maintained that the charges were fabricated as a means of intimidating Mukhtarov, who had attempted to defend local farmers against alleged illegal land seizures.

Authorities continued to arbitrarily arrest persons on charges of extremist sentiments or activities, or association with banned religious groups. Local human rights activists reported that police and security service officers, acting under pressure to break up HT cells, frequently detained family members and close associates of suspected members, even if there was no direct evidence of their involvement (see section 1.f.). Authorities made little distinction between actual members and those with marginal affiliation with the group, such as persons who had attended Koranic study sessions with the group.

As in previous years, there were reports that authorities arrested and prosecuted persons based on the possession of HT literature. Coerced confessions and testimony were commonplace. Even persons generally known to belong to HT stated that the cases against them were built not on actual evidence, which would have been abundantly available, but on planted material or false testimony.

Police harassed and sometimes arbitrarily detained members of the opposition Birlik, Free Farmers, and Erk parties (see section 3).

During the year pretrial detention for individuals suspected of Islamic extremism, as for other crimes, typically ranged from one to three months. The number of such prisoners in pretrial detention was unknown.

In general prosecutors exercised near total discretion over most aspects of criminal procedure, including pretrial detention. Detainees had no access to a court to challenge the length or validity of pretrial detention. Even when no charges were filed, police and prosecutors sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects.

Local police regularly employed house arrest without due process. In most cases police surrounded the homes of human rights activists and government critics to prevent them from participating in public demonstrations or other activities. Bakhtiyor Hamroyev of the Human Rights Society of Uzbekistan, farmers' rights activist Muhiddin Kurbanov, and other human rights activists in Jizzakh Province reported that local police surrounded their homes on a regular basis to prevent their departure. Tashkent-based human rights activist Surat Ikramov reported similar surveillance of his home to prevent him from monitoring trials of religious extremists in Tashkent. On July 6, and other instances, police detained Elena Urlayeva at her home to prevent her participation in protest actions.

Amnesty.—On March 1, the government completed the three-month amnesty declared in December 2004. Of the reported 5,040 prisoners eligible for amnesty, the government announced that 361 prisoners convicted of involvement in extremist organizations or anticonstitutional activity were released. The exact number of eligible prisoners who were actually released was unknown. As in previous amnesties, prisoners were reportedly forced to sign letters of repentance as a condition of release. There were allegations that authorities physically mistreated some prisoners who refused to sign such letters (see section 1.c.) and accounts of many inmates not being released despite having signed such letters. Despite established conditions allowing release, local prison authorities had considerable discretion in determining who was reviewed for amnesty, and, as in previous years, there were reports of corruption. Amnestied prisoners stated that government-approved imams were sent to some prisons to make the final determination whether a prisoner had truly repented. This decision was reportedly frequently made in consultation with local *mahalla* (neighborhood) committees.

On December 2, on the occasion of the Constitution Day holiday, the senate announced the annual amnesty for the year to be implemented over a three-month period. Unlike previous amnesty acts, the new amnesty did not apply to those convicted of religious extremism. Official media reported that over 10 thousand prisoners were released under the new amnesty before year's end.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, the judicial branch took its direction from the executive branch, particularly the general prosecutor's office, and exercised little independence in practice.

Under the law, the president appoints all judges for five-year terms and has the power of removal. Removal of supreme court judges must be confirmed by parliament, which is obedient to the president's wishes.

Courts of general jurisdiction are divided into three tiers: district courts, regional courts, and the supreme court. Decisions of district and regional courts may be appealed to the next level within 10 days of a ruling. In addition, a constitutional court reviews laws, decrees, and judicial decisions to ensure compliance with the

constitution. Military courts handle all civil and criminal matters that occur within the military, and a system of regional economic courts handles commercial disputes between legal entities.

Trial Procedures.—Most trials are officially open to the public, although access was often restricted in practice. Trials may be closed in exceptional cases, such as those involving state secrets, or to protect victims and witnesses. A June 13 supreme court decision required all observers to obtain prior written approval from the supreme court to attend trial proceedings. Permission was difficult and time-consuming to obtain, with the result that international observers in many cases missed important portions of trial proceedings. Local observers were often barred entry into trials.

During the supreme court trial of Andijon suspects, which took place between September 20 and November 14, there were multiple reports of police detaining members of human rights NGOs who planned to observe the trial. Organization for Security and Cooperation in Europe (OSCE) trial monitors, accredited journalists, and foreign diplomats were permitted to attend. However, subsequent Andijon-related trials of an additional 172 defendants were closed to outside observers.

The government generally announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only a day or two before the trial began. Closed trials related to the Andijon events, which began in November and December, were not publicly announced, and the government did not provide information about the defendants or charges until the trials had ended.

Either workers' collectives' committees or neighborhood committees selected three-judge panels of one professional judge and two lay assessors that generally preside over trials. The lay judges rarely speak, and the professional judge usually defers to the recommendations of the prosecutor on legal and other matters. Jury trials are not used.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. These rights were generally observed, including in high-profile human rights and political cases. In almost all cases, however, the verdict was guilty. Defendants have the right to hire an attorney, and the government provides legal counsel without charge when necessary. However, state-appointed attorneys routinely acted in the interest of the government rather than of their clients. Authorities often violated the right to an attorney during pretrial detention, and judges in several cases denied defendants the right to an attorney of choice. Defense counsel was often incompetent and in most cases, the role of defense counsel was limited to submitting confessions and pleas for mercy. Lawyers from the Legal Aid Society (LAS), as well as public defender centers financed through international contributions, provided pro bono defense counsel, although resources were limited.

Government prosecutors order arrests, direct investigations, prepare criminal cases, and recommend sentences. Defendants do not enjoy a presumption of innocence. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. Defendants are almost always found guilty, often based solely on confessions. On the rare occasions when a guilty verdict is not pronounced, the judge seldom acquits the defendant; rather, the case is sent back for further investigation. Legal protections against double jeopardy do not apply in practice.

The law provides a right of appeal to defendants. Appeals rarely, if ever, resulted in convictions being reversed, but more often, a successful appeal resulted in a reduced sentence.

During the August 25 and 26 trial of RFE/RL journalist Nosir Zokir, the court denied his request for a defense attorney of his choice, and instead appointed a state attorney who was not informed of the details of the case (see sections 1.d. and 2.a.). The court sentenced Zokir to a six-month jail term, which an appellate court upheld on September 19. In November and December, after Sunshine Coalition leaders Nodira Khidoyatova and Sanjar Umarov were arrested on charges of corruption and other economic crimes, prosecutors reportedly pressured them to refuse the services of their attorneys and to accept government-appointed lawyers instead.

Defense attorneys had limited access in some cases to government-held evidence relevant to their clients' cases. However, in most cases a prosecution was based solely upon defendants' confessions or incriminating testimony from state witnesses. Defendants often claimed that the confessions on which the prosecution based its cases were extracted by torture (see section 1.c.). During the year the BBC quoted a former Interior Ministry official who claimed that investigators often used beatings, psychotropic drugs, or threats against family members to obtain confessions from defendants. However, the Interior Ministry in a public statement strongly denied the allegation. In many cases, particularly those involving suspected HT members,

when the prosecution failed to produce confessions it relied solely on witness testimony, which was reportedly often also coerced. Lawyers may, and occasionally did, call on judges to reject confessions and to investigate claims of torture. Judges routinely ignored such claims or dismissed them as groundless.

On February 21, the Tashkent Criminal Court convicted 6 defendants and sentenced them to between 7 and 16 years' imprisonment on charges of terrorism in connection with the March and April 2004 terrorist bombings and the July 2004 suicide bombings in Tashkent. Lawyers and trial observers asserted that the prosecution did not prove any connection between the defendants and the crimes of which they were accused. One defendant testified that he had been beaten repeatedly while in custody (see section 1.c.). Several other defendants stood trial during the year on charges that included alleged connections to the 2004 terrorist bombings. Observers noted that the evidence presented in court consisted almost exclusively of confessions, and in most cases did not prove a connection between the defendants and the terrorist bombings.

International and local human rights groups monitoring the supreme court trial of defendants accused in connection with the May events in Andijon concluded it failed to meet international standards. The prosecution's cases relied primarily on confessions, which human rights groups maintained were coerced or obtained under torture. All 15 defendants were found guilty on charges including membership in an extremist organization, murder, and terrorism, and sentenced to between 14 and 20 years' imprisonment.

Political Prisoners.—It was impossible to estimate the exact number of political prisoners. In 2004 there were an estimated 5 thousand to 5,500 political prisoners, including alleged HT members, as well as those who were committed to psychiatric institutions as a form of confinement (see section 1.c.). It was believed that the number of political prisoners remained constant or rose during the year as the number of new prisoners sentenced likely exceeded the number of prisoners who were amnestied or completed their sentences. From December 2004 to March 1, the government reportedly amnestied 361 political prisoners (see section 1.d.). Most persons convicted of political crimes were charged with the actual crime for which they were arrested (rather than false charges of common crimes), for example anticonstitutional activity, involvement in illegal organizations such as prohibited religious or political groups, or the preparation or distribution of material that threatened public security. The government did not allow any independent monitoring groups to visit political prisoners during the year (see section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such action; however, in practice authorities did not respect these prohibitions. The law requires a search warrant for electronic surveillance by the prosecutor, but there is no provision for a judicial review of such warrants. Citizens generally assumed that security agencies routinely monitored telephone calls and employed surveillance and wiretaps of persons involved in opposition political activities. On one occasion, a police official confirmed in writing to human rights activist Elena Uralyeva that she was part of a "special category" of citizens who were subject to close monitoring, in response to a complaint from Uralyeva regarding her frequent house arrest.

The government continued to use an estimated 12 thousand local neighborhood committees as a source of information on potential extremists. Committees served varied legitimate social functions, but also functioned as a link between local society, and government and law enforcement. Neighborhood committees' influence varied widely, with committees in rural areas tending to be much more influential than those in cities. Each neighborhood committee assigned a *posbon* (neighborhood guardian) whose job it was to ensure public order and maintain a proper moral climate in the neighborhood. In practice this meant preventing young persons in the neighborhood from joining extremist Islamic groups. According to a 2003 Human Rights Watch (HRW) report, the committees kept extensive files on families and collected information on individual religious practices. Neighborhood committees also frequently identified for police those residents who appeared suspicious and, working with local MVD and NSS representatives, reportedly paid particular attention to recently amnestied prisoners and the families of individuals jailed for alleged extremism.

In several instances during the year local authorities or neighborhood committees evicted local residents from their homes citing suspected illegal activity. On August 12, a committee in Tashkent threatened to expel independent journalist Bobomurod Abdullayev from his home after a radio interview in which he compared citizens to sheep. In late August police in the rural Gallaorol District of Jizzakh Province ordered human rights activist Gavhar Yo'ldosheva to leave her home after she met

with a foreign ambassador. Also in late August, police in the Bo'ston District of Jizzakh Province ordered human rights activist Muhiddin Kurbonov to leave his home or face arrest, and in a separate incident, the Jizzakh regional administration ordered independent journalist Jamshid Karimov to leave the province on the August 30 Independence Day holiday.

In August in Samarkand, approximately 100 local residents and human rights activists protested the demolition of blocks of houses to make way for a road expansion. Protest organizers told journalists and diplomats that the government had begun demolishing the homes without sufficient warning for residents to vacate and had offered residents vacant plots of land or small apartments as compensation.

Authorities frequently detained and mistreated family members of persons wanted or jailed for Islamic activities, even if there was scant evidence of their involvement (see section 1.d.). There were numerous credible reports that police, employers, and neighborhood committees also harassed and arrested family members of human rights activists (see section 1.d. and 2.b.). Following the Andijon unrest in May, there were numerous reports that officials harassed relatives of residents who had fled into Kyrgyzstan and coerced them into traveling to the refugee camps in Kyrgyzstan to persuade their family members to return to the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Whereas the law provides for freedom of speech and the press, the government generally did not respect these rights in practice.

The law limits criticism of the president, and public insult to the president is a crime punishable by up to five years in prison. Citizens did not criticize the president or the government on television or in the press, although they continued to do so occasionally in private. The law also specifically prohibits articles that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see section 2.b.).

The government continued to characterize the distribution of pamphlets by HT members as incitement for political and terrorist purposes; HT is a banned organization. During the year police reportedly arrested several people for possessing HT literature.

Following the May violence in Andijon, the government arrested several prominent human rights and political activists and others who spoke to journalists and made public statements suggesting abuse by government forces or criticizing the role of the president or other government officials in the events, charging them with slander against the president (see section 1.d.). Following the May events, criticism of the government, particularly by religious figures, journalists, and human rights activists, became more restricted. In one example, on August 27, police arrested human rights activist Elena Uralyeva and forcibly committed her to a psychiatric institution for two months for allegedly distributing leaflets with caricatures of the national seal (see section 1.c.).

The government tightly controlled information. The Uzbekistan News Agency cooperated closely with presidential staff to prepare and distribute all officially sanctioned news and information. The government's press and information agency is responsible for monitoring all media. The cabinet of ministers owned and controlled three of the country's most influential national daily newspapers, *Pravda Vostoka* (Russian language), *Halq So'zi* (Uzbek language), and *Narodnoe Slovo* (Russian language). The government, government-controlled political parties or social movements, and the Tashkent municipal government owned or controlled several other daily and weekly publications.

There were no private publishing houses; government-owned printing houses generally printed newspapers. Private citizens and journalist collectives may not establish newspapers unless they meet the media law's standards for establishing a "mass media organ," including naming a board of directors acceptable to the government. The government allowed a small number of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content. Three private national Russian-language newspapers—*Novosti Uzbekistana*, *Noviy Vek*, and *Noviy Den*—carried news and editorials favorable to the government, as did two Uzbek-language newspapers: *Hurriyat* (owned by the Journalists' Association) and *Mohiyat* (owned by Turkiston-Press, a nongovernmental information agency which was loyal to the state). The government did not allow the general distribution of foreign newspapers and publications. However, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications were available, and a very modest selection of foreign periodicals was available in major hotels and at other locations in Tashkent.

The four state-run channels, all fully supporting the government, dominated television broadcasting nationwide. There were 30 to 40 privately-owned regional tele-

vision stations and 7 privately-owned radio stations. The government controlled information even more tightly in the broadcast media than in print journalism. Journalists and senior editorial staff in state media organizations reported there were officials at the national television stations whose responsibilities included actual black-pen censorship. Nevertheless, there were also reports that regional television media outlets were able to broadcast some moderately critical stories on local issues.

A presidential decree signed on November 8 provided for further consolidation of the management of broadcast mass media under government control, with the stated goal of promoting patriotism.

The government continued to refuse to allow RFE/RL and the Voice of America to broadcast from within the country. The BBC World Service was permitted to broadcast on a very low FM frequency and only in the Ferghana Valley, which limited the potential audience, up to three hours per day. Immediately following the May 13 events in Andijon, the government blocked broadcasts of BBC, CNN, and Deutsche Welle, as well as several Russian channels. In June the government expelled BBC World Service correspondent Monica Whitlock from the country. Whitlock had reported extensively on the May violence in Andijon. On October 26, the BBC announced a suspension of its operations in the country in response to harassment and intimidation of its journalists and concerns for their safety. On December 12, the government refused to reaccredit RFE/RL correspondents and ordered the organization to shut its operations, claiming that RFE/RL's use of unaccredited stringers was a violation of Uzbek law.

Both print and broadcast journalists were subject to arrest, harassment, intimidation, and violence by police and security services. The May events in Andijon sparked a wave of government harassment against journalists that continued until year's end. Immediately after the outbreak of violence, the government ordered all foreign journalists to leave Andijon. Moreover, in a series of print articles and television programs throughout the summer, official media publicly attacked independent journalists, including specific correspondents of RFE/RL, BBC, and the Associated Press (AP).

On May 17, two unidentified gunmen detained and searched Andijon-based RFE/RL correspondent Gofurjon Yo'ldoshev at gunpoint for half an hour. On May 21, several unidentified men attacked and beat Yo'ldoshev in the town of Qora Suv as he interviewed local residents about events. On July 1, unidentified assailants attacked Guliston-based RFE/RL correspondent Lobar Qaynarova, who was four months' pregnant at the time, as she returned home from covering a trial proceeding. Four days later security officers searched her home, confiscated Islamic literature, and threatened to charge her husband with Islamic extremism. On August 26, a Namangan court sentenced Nosir Zokir to six months' imprisonment for insulting a security official in a telephone conversation. The conviction came after several weeks of government pressure against Zokir for conducting an on-air interview with a local poet who had criticized the government. In October authorities charged Zokir with insulting the president. In August airport authorities detained and deported Russian citizen Igor Rotar, a Tashkent-based journalist with the Forum 18 information service, who had reported extensively on abuses of religious freedom. In the autumn trials of those accused of terrorist acts in connection with the Andijon violence, prosecutors, defendants, and witnesses identified specific journalists, including BBC correspondent Monica Whitlock, Institute for War and Peace Reporting (IWPR) country director Galima Bukharbayeva, AP correspondent Bagila Bukharbayeva, Deutsche Welle correspondent Natalia Bushuyeva, and others as having had advance notice of the Andijon events and conspiring to defame Uzbekistan in world opinion. On April 23 near his home in Jizzakh, and again on June 24 in Karshi, unknown assailants attacked and severely injured independent journalist and human rights activist Ulugbek Haydarov after he wrote news articles critical of the Jizzakh regional government. On November 9, independent journalist Aleksei Volosevich received a call from an unknown individual claiming he had information to share regarding Andijon and asking to meet him. Volosevich was then ambushed and assaulted by unidentified men en route to the designated meeting place; he stated the attack was retribution for his reporting on Andijon.

The government subjected international media-support NGO Internews Network to continual harassment based on charges that the organization attempted to interfere in the country's internal politics and monopolize the country's broadcast media. The government withheld accreditation from the organization's in-country director and maintained a freeze on its bank accounts until the organization was liquidated, at which time it was given limited access to meet outstanding liabilities. On July 4, a district prosecutor opened a criminal case against two locally employed staff of the organization on an array of charges. Government officials forced the employees to sign confessions, and on August 4, a Tashkent criminal court convicted the two

employees. On September 9, a Tashkent civil court ordered Internews to close its operations in the country.

Tuhtamurad Toshev and Boimamat Jumaev, journalists arrested in 2003 and convicted of bribery, remained in prison at year's end.

Observers viewed the charges as selective prosecution.

A government agency, the Interagency Coordination Committee (MKK), issues the required broadcast and mass media licenses to approved media outlets and could revoke licenses and close media outlets without a court judgment. The Center for Electromagnetic Compatibility issues frequency licenses. During the year MKK threatened to shut down some privately owned regional television stations on technical grounds to enforce control by the National Association of Electronic Mass Media (NAESMI).

The NAESMI reportedly used its directors' close relations with the government to coerce local television stations to join the association and restrict the content of their programming. Stations that resisted joining NAESMI were subjected to tax inspections and in some cases lost their broadcast licenses. In many cases NAESMI required affiliated local stations to broadcast prescribed programming instead of locally produced content, thus limiting the freedom of broadcasters.

Government security services and other offices regularly gave publishers articles and letters to publish under fictitious bylines, as well as explicit instructions about the types of stories permitted for publication. Often there was little distinction between the editorial content of a government- or privately owned newspaper. There was very little, if any, independent investigative reporting. During the year self-censorship expanded. The number and scope of critical newspaper articles declined. In early December the Uzbekistan Press and Information Agency ordered the legal affairs newspaper *Advokat Press* to shut down after it published a series of articles criticizing government officials for violations of the law.

The law holds journalists, as well as editors and publishers, responsible for the accuracy of news stories that appear in their publications, exposing them to risk of criminal prosecution for their reporting. In addition, the law establishes the right of government-accepted newspaper boards of directors to influence the editorial content of media reports. These legal provisions establish mechanisms by which the government can indirectly influence media content and further encourage members of the media to practice self-censorship. Television and radio stations practiced self-censorship and therefore carried critical reporting only occasionally.

On December 28, the president signed into law amendments to the criminal and administrative liability codes, which significantly increased fines for libel and defamation. In general the government used charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the president or government.

The government allowed limited access to the Internet, although Internet service providers routinely blocked access to websites the government considered objectionable. The government sporadically blocked access to opposition party operated websites. Immediately following the May events in Andijon, the government blocked access to certain news websites.

The government limited academic freedom. Authorities generally required university professors to have their lectures or lecture notes approved. Although authorities implemented the requirement inconsistently, university professors generally practiced self-censorship. In September one professor was reportedly fired in response to a critical article he had written about the government, which was printed in a foreign publication.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly, but in practice the government often restricted this right and authorities also have the right to suspend or prohibit rallies, meetings, and demonstrations on security grounds. The government did not routinely grant the required permits for demonstrations. Under the December 28 amendments to the criminal and administrative liability codes, citizens are liable to large fines for facilitating unsanctioned rallies, meetings, or demonstrations by providing space or other facilities or materials. The amendments also significantly increased fines for violations of procedures concerning the organizing of meetings, rallies, and demonstrations.

In several cases authorities used a variety of tactics to prevent or stop peaceful protests. According to human rights activists' reports, on February 1 in the rural Do'stlik District of Jizzakh Province, police blocked roads into the district's center in an attempt to prevent a planned protest over illegal land seizures. During the event a group of unidentified people attacked and beat the protestors while police observed without taking action. On February 9, a group of women physically at-

tacked a group of protesters in Tashkent who were demanding the release of political prisoners. Human rights activists alleged authorities incited the women to attack protesters as a provocation to prevent further demonstrations.

In April authorities broke up a demonstration of agrarian activists in rural Jizzakh Province who were protesting the beating of human rights activist Egamnazar Shaymonov. In May police forcibly broke up a silent demonstration of farmers from the Surkhandarya region who were protesting illegal land seizures in front of a foreign embassy, beating and severely injuring several protesters.

From February until May, small groups of protesters demonstrated at a district courthouse in Andijon in support of 23 men on trial for Islamic extremism. The protests continued without incident until May 12, when an unknown number of individuals seized weapons from a police garrison, stormed the city prison where the defendants were being held, and released several hundred inmates. On May 13, government forces intervened with deadly force against a crowd of between 5 and 10 thousand demonstrators that had gathered in the square in front of Andijon's regional administration building. The number of resulting deaths varied between the government's estimate of 187 and eyewitness reports of several hundred. Following the Andijon demonstrations, authorities suppressed almost all protest activity by systematically detaining organizers. In the weeks following the Andijon events, there were reports of police preventing or forcibly breaking up several demonstrations that were organized to express concern over the events, including planned demonstrations in Tashkent on May 16, 17, and 19, and in Jizzakh on May 23–25.

On and immediately before May 30, police in several localities prevented a planned Tashkent demonstration by activists of the opposition Birlik party by placing participants under house arrest in advance. The demonstration was intended to protest the government's refusal to register the party. Samarkand police arrested Samarkand-based human rights activist Holiqnazar Ganiev, who had planned to join the May 30 protest, and charged him with petty hooliganism.

In June police disbanded a small demonstration in Tashkent intended to commemorate the victims of the Andijon events by detaining demonstrators and destroying signs and banners. In June and July police in Tashkent placed human rights defenders under house arrest to prevent them from organizing a protest picket against the trials of accused religious extremists. In August in Samarkand, police broke up a demonstration of human rights activists and local residents protesting the demolition of area homes; several injuries were reported resulting from police beatings (see section 1.f.).

Freedom of Association.—While the law provides for freedom of association, the government continued to restrict this right in practice. The law broadly limits the types of groups that may form and requires that all organizations be formally registered with the government. Registration of NGOs and other public associations was difficult and time consuming, with many opportunities for government obstruction. Nonpolitical associations and social organizations usually were allowed to register, although complicated rules and a cumbersome government bureaucracy made the process difficult. All local NGOs were required to register with a government-controlled NGO association, whose purpose was to control all funding and NGO activities. On December 28, the president signed new amendments to the administrative liability code into law, which impose large fines for violations of procedures governing NGO activity, as well as for “involving others” in illegal NGOs. The law does not specify whether “illegal NGOs” are those that were forcibly suspended or closed, or those that were simply unregistered. The amendments also increased penalties against international NGOs for engaging in political activities, for activities inconsistent with their charters, or for activities not approved in advance by the government. The law allows independent political parties, but also gives the Ministry of Justice (MOJ) broad powers to interfere with parties and to withhold financial and legal support to those opposed to the government. Registered parties received funding from the government. All five registered political parties were controlled by the government; none of the four opposition parties were registered at year's end (see section 3).

The law criminalizes membership in organizations it deemed extremist. Under the law the extremist Islamist political organization HT was banned. HT promoted hate and praised acts of terrorism, although it maintained that it was committed to non-violence. The party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government called the caliphate.

Aside from two previously registered human rights groups, the government continued to deny registration to such organizations, including the Human Rights Society of Uzbekistan, Mazlum, and Mothers against the Death Penalty and Torture. Registration was denied for a variety of reasons, including for grammatical errors

in applications. Although these organizations did not exist as legal entities, they continued to function, albeit with difficulty (see section 4). Starting in August, the government forced more than 200 local NGOs to close. During the year the Women's Committee, a government-controlled organization, monitored and often hampered the activities of women's NGOs, particularly those promoting women's political participation.

The government has denied registration to the Islamic group Akromiylar (Akromiya) since 1997. Religious experts claimed that Akromiylar is a movement that promotes business along Islamic religious principles, while the government claimed that the group is a branch of the extremist political movement HT and that it attempted, together with the Islamic Movement of Uzbekistan, to overthrow the government through armed rebellion in May in Andijon (see section 2.c.).

During the year the government took continued tightening its control over the activities of international NGOs. The government required all international NGOs to reregister with the MOJ. During the year the ministry conducted a series of exhaustive audits of international NGOs, which also suffered visa, accreditation, and automobile registration problems. During the audits, MOJ officials repeatedly referred to an unpublished 2003 cabinet of ministers decree that outlined new registration requirements for international NGOs. The government used the decree as a basis for requiring prior government approval for a broad range of program activities and detailed reports on activities, program participants, and finances.

In February 2004 the cabinet of ministers passed a banking decree requiring a government commission to review all foreign funding before it is disbursed to local NGOs, which severely impeded the ability of local and international NGOs to function. Although the measure was ostensibly to fight money laundering, the commission used political criteria to determine which programs receive funds. NGOs focusing on human rights and democratic reform were particularly affected.

As a result of the banking decree, the Civil Society Support Centers (CSSC) operated in six cities by the International Research and Exchanges Board (IREX) were unable to receive funding. During the year the government withheld accreditation from the CSSC program manager. In September the MOJ suspended IREX operations for six months because it refused to provide specific information about program participants during an audit. On December 27, based primarily on the charge that the organization had provided Internet access without a license, a Tashkent civil court ordered IREX's closure. The case was under appeal at year's end.

The government subjected the prodemocracy NGO Freedom House and its employees to frequent harassment, by closing the organization's Samarkand and Namangan offices, threatening to suspend its activities on the grounds that it provided training and assistance to unregistered organizations, and demanding information about participants in the organization's programs during an audit. Official television stations publicly accused Freedom House of supporting suspected terrorists in documentaries on the May violence in Andijon. At year's end Freedom House's status was under judicial review, with the government recommending a six-month suspension of activities.

The government subjected Internews Network to continual harassment, withheld accreditation from the organization's country director, and froze its bank account. In August a criminal court convicted two local employees on criminal charges of publishing without a license, but immediately granted them amnesty. In September a civil court ordered Internews to close its operations, citing numerous violations of national law, including failure to register the organization's logo with the MOJ, conducting activities without prior MOJ approval, and attempting to "monopolize the media" (see section 2.a.). The court decision was upheld on appeal in October and Internews closed its office in November.

The government pressured many NGOs to obtain official permission to conduct training sessions or seminars. NGOs under the auspices of the government-controlled Institute of Civil Society were allowed to conduct events.

c. Freedom of Religion.—While the law provides for freedom of religion and separation of church and state, in practice the government restricted religious activity.

The law treats all religious groups equally; however, the government supported the country's Muslim heritage by funding an Islamic university and providing logistical support for citizens' participation in the hajj. The government sought to promote what it considered a moderate version of Islam through the control and financing of the Muslim Board of Uzbekistan (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and published Islamic materials. A small number of unofficial, independent mosques were allowed to operate under the watch of official imams.

The law requires all religious groups and congregations to register and provides strict and burdensome registration criteria, including a requirement that each group

present a list of at least one hundred national citizen members to the local branches of the MOJ. This and numerous other provisions, such as a requirement that a congregation already have a valid legal address, enabled the government to find technical grounds for denying a group's registration petition, such as grammatical errors in a group's charter. This suppressed the activities of Muslims who sought to worship outside the system of state-sponsored mosques, as well as members of unregistered Christian churches and other groups.

Any religious service conducted by an unregistered religious organization is illegal. Police occasionally broke up meetings of unregistered groups. Members of some Christian evangelical congregations were detained during the year and occasionally beaten by authorities. Religious groups are prohibited from forming political parties and social movements.

In May, 20 of the 125 members of the unregistered Baptist church in Surkhandarya Province were detained and questioned. Credible reports alleged that in June, two Baptist pastors and four church members were arrested after plainclothes police officers raided their church in Tashkent. On March 9, police raided an unauthorized Protestant meeting involving citizens and South Korean missionaries outside Tashkent; the citizens were fined.

During the year the number of registered religious congregations increased by 32 to 2,201 registered religious groups, of which 2,016 were Muslim. Local authorities continued to block the registration or reregistration of evangelical Christian congregations in Tashkent, Samarkand, Guliston, Gazalkent, Andijon, and Nukus. During the year the MOJ denied registration to the Pentecostal Church in Chirchiq and deregistered Emmanuel Church in Nukus, the city's only registered Protestant church. The International Church of Tashkent, a Protestant nondenominational church ministering exclusively to the international community, has been unable to obtain registration for several years, in part due to its inability to meet the legally required minimum of 100 members who are citizens of the country. Jehovah's Witnesses in Tashkent were unable to obtain registration; out of the 11 Jehovah's Witnesses' churches in the country, only those in Chirchiq and Ferghana were registered. Police routinely questioned, searched, and arbitrarily fined individual members of Jehovah's Witnesses throughout the country. On March 24, police and security personnel disrupted Jehovah's Witnesses meetings in Tashkent and eight other cities, arresting approximately 200 church members. Most were released soon afterwards, but some were subjected to longer administrative detention, some were reportedly beaten by police, and several were required to pay small fines.

Almost all of those arrested for religious reasons were tried for anticonstitutional activity and participating in "religious extremist, separatist, fundamentalist, or other banned organizations," a charge that encompasses both political and religious extremism. The overwhelming majority of those arrested were suspected HT members, but the government also arrested members of Tabligh, an Islamic group with origins in South Asia, as well as others the government broadly labeled Wahhabi. Individuals arrested on suspicion of extremism often faced severe mistreatment including torture, beatings, and particularly harsh prison conditions, and were typically sentenced to between 7 and 12 years in jail (see sections 1.c. and 1.d.). Prison authorities reportedly did not allow many prisoners suspected of Islamic extremism to practice their religion freely and, in some circumstances, did not allow them to own a Koran. Authorities reportedly punished inmates who attempted to fulfill their religious obligations against prison rules or who protested the rules themselves with solitary confinement and beatings.

The government did not consider repression of groups such as HT and Tabligh to be a matter of religious freedom but directed against those who allegedly advocated overthrowing the government. However, the government's campaign against extremists resulted in official suspicion of more religiously observant (yet non-extremist) persons, including frequent mosque attendees, bearded men, and veiled women. In practice, this approach often resulted in the government singling out observant Muslims for surveillance or harassment based on outward expressions of their religious belief. The government's harsh treatment of suspected extremist Islamic political groups tended to suppress outward expressions of religious piety. While many young men attended Friday prayers, hardly any were bearded. The law prohibits the wearing of "cult robes" (religious clothing) in public except by those serving in religious organizations; however, this provision did not appear to be enforced. There were no prohibitions against the wearing of headscarves by women.

During the year members of Tabligh were tried on charges of Islamic extremism. In two separate cases in January and March, seven and four members were amnestied. All but one defendant in the January trial, Jamoliddin Aminov, were released, and two of those tried in March were fined instead of imprisoned. In February, according to the Forum 18 news service, two Sufi Muslims were given six-

year prison sentences; the defendants claimed authorities planted HT leaflets on them during their arrest and that they were tortured in detention.

During the year several persons were prosecuted and convicted of religious extremism and membership in an unregistered religious group for their affiliation with Akromiylar. Religious experts claimed that Akromiylar is a religious association that promotes business, not extremism. On March 29, a court in Syrdarya Province sentenced seven food vendors from Bakht to prison sentences of eight to nine years for anticonstitutional activity, religious extremism, and tax evasion, based on their alleged membership in Akromiylar. Family members of the defendants claimed the men were not members, and that the court's decision was based entirely on forced confessions. The decision was upheld by an appellate court on May 3, and by the supreme court on May 21. On July 25, the Tashkent criminal court convicted alleged Akromiylar members Akhad Ziyodkhojayev, Bokhodir Karimov, and Abdubosid Zakirov of participation in a religious extremist group, conspiracy to overthrow the constitutional order, establishing a criminal group, and disseminating materials constituting a threat to public order. The defendants were given prison sentences from 15½ to 16 years. Trial observers noted that the convictions were based almost entirely on defendants' confessions and witness testimony, and that evidence presented in court did not suggest the defendants were involved in criminal activity.

In February intermittent peaceful demonstrations began outside Andijon's Oltinko'l district court in support of 23 alleged Akromiylar members on trial for anticonstitutional activity, possession of banned religious materials, and extremism. In March RFE/RL reported an investigation of an additional 17 persons on similar charges. Protesters staged public demonstrations in Andijon until early May in support of the defendants. These protests led to the violence of May 12–14 (see section 1.a.). In public statements about the events, the government referred to those on trial, in prison, as well as most of those killed on May 13, as "religious extremists."

Following the May violence in Andijon, some journalists and human rights activists were arrested on charges that cited religious extremism. There were also credible reports of *mahalla* committee chairmen delivering special lectures to community gatherings in which they actively discouraged worshiping in mosques.

Christians who tried to convert Muslims or who had among their congregations members of traditionally Muslim ethnic groups often faced official harassment, legal action, or, in some cases, mistreatment.

The law prohibits proselytizing and severely restricts activities such as the import and dissemination of religious literature. On August 10, a criminal court in Navoi convicted Jehovah's Witness Azim Klichev of teaching religion without government authorization and fined him approximately \$70 (78,350 soum), or 10 times the minimum monthly wage. The decision was upheld on appeal. On August 30, a criminal court in Karshi convicted Jehovah's Witnesses Bakhrom Pulatov and Feruza Mamatova of conducting illegal religious meetings and proselytizing. Pulatov was fined approximately \$640 (705,150 soum), or 90 times the minimum monthly wage; Mamatova was fined approximately \$500 (548,450 soum), or 70 times the minimum monthly wage. The fines, although within the amount prescribed by law, were far beyond that normally imposed for religious crimes. The decisions were upheld on appeal.

On March 24, over 200 members of Jehovah's Witnesses were detained in several coordinated raids in Tashkent, Kogon, Bukhara, Samarkand, Navoi, and Bekobod during Good Friday worship services; in addition, 120 persons were questioned in Angren. Jehovah's Witnesses reported several instances of police brutality in the course of the raids. Police also reportedly confiscated religious materials. Most detainees were released early on March 25; in Tashkent, 2 remained in custody longer and were released 24 hours after the arrest. Authorities brought 34 administrative cases against individuals in relation to the raids. On May 2, a Bukhara court fined six male members each approximately \$11.50 (13,060 soum) and five women approximately \$6 (6,530 soum) on charges resulting from the nationwide March 24 operation. On May 3, one member in Urgench was fined approximately \$6 (6,530 soum) in connection with the raids. Forum 18 News Service quoted an official of the State Committee on Religious Affairs as saying that police often staged raids on unregistered Christian congregations on Good Friday, as police were aware that Christians gather on that date for the pre-Easter worship services. An additional three Jehovah's Witnesses members, who were also picked up in the March 24 sweep, each received an official warning.

The law limits religious instruction to officially sanctioned religious schools and state-approved instructors, and permits no private instruction or the teaching of religion to minors without parental consent. However, there were no reports of active efforts to prevent parents teaching religion to their children. On March 26, authori-

ties closed an unlicensed Islamic kindergarten in Ferghana Province, according to the newspaper *Voice of Uzbekistan*.

A state religious censor approved all religious literature. The government controlled the publication, import, and distribution of religious literature, discouraging and occasionally blocking the production or import of Christian literature in the Uzbek language, although Bibles in many other languages were available. The Muftiate sporadically issued an updated list of all officially sanctioned Islamic literature. Possession of literature deemed extremist could lead to arrest and prosecution. Religious literature imported illegally was subject to confiscation and destruction.

On March 6, police reportedly confiscated over one thousand officially approved religious booklets from Baptists belonging to an unregistered congregation in Tashkent. Seven members were detained and questioned for six hours before being released.

A 2003 OSCE expert panel that reviewed the 1998 Religion Law and associated criminal and civil statutes concluded that they were in violation of international norms. It submitted a number of recommendations, including lifting the bans on proselytizing and private religious instruction and decriminalizing activities of unregistered religious organizations. The government, through its Committee on Religious Affairs, agreed to consider the recommendations, but took no action to enact them by the end of the period covered by this report.

Societal Abuses and Discrimination.—There were persistent reports of discrimination against Muslims, particularly ethnic Uzbeks, who converted to Christianity. On April 3, the Forum 18 news service reported authorities failed to respond to Christian convert Khalidibek Primbetov's complaint that villagers in Yanboshkala outside of Nukus had beaten him and told him to "return to Islam" or leave the village. Bakhtitor Tuychiyev, the ethnic Uzbek pastor of a Full Gospel Pentecostal Church in Andijon, reported frequent harassment by authorities. On December 23, Tuychiyev was attacked by unidentified assailants who reportedly reviled him as a "traitor to the faith."

There was no pattern of discrimination against Jews. There were eight registered Jewish congregations and the World Jewish Congress estimated the Jewish population at approximately 20 thousand, concentrated mostly in Tashkent, Samarkand, and Bukhara. Their numbers were declining due to emigration, largely for economic reasons. HT members distributed anti-Semitic fliers, the text of which generally originated abroad; however, observers did not believe such fliers represented the feelings of the vast majority of the country's population.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for free movement within the country and across its borders, although the government severely limited this right in practice. Permission from local authorities is required to move to a new city. The government rarely granted permission to move to Tashkent, and local observers reported that persons had to pay bribes of up to \$90 (100 thousand soum) to obtain registration documents required to move.

The government required citizens to obtain exit visas for foreign travel or emigration, and while it generally granted these routinely, local officials often demanded a small bribe. In the past, authorities did not require an exit visa for travel to most countries of the former Soviet Union; however, during the year the government introduced a new registration system requiring citizens to obtain a special stamp from local authorities in their place of residence in order to leave the country. Citizens continued generally to be able to travel to neighboring states, and the new stamp requirement was not uniformly enforced. Land travel to Afghanistan, however, remained difficult, as the government maintained travel restrictions on large parts of Surkhandarya Province bordering Afghanistan, including the border city of Termez. Uzbeks needed permission from the NSS to cross the border, while Afghans easily crossed into Uzbekistan to trade. Immediately following the May events in Andijon, the government temporarily closed border crossings to some neighboring states. Movement to and from the Ferghana Valley provinces was closely monitored for a short time and reportedly limited on a selective basis to prevent journalists and human rights activists from entering to report on the unrest (see section 4). However, the government reopened some formerly closed border crossings to Kyrgyzstan, allowing for cross-border trade.

Foreigners with valid visas generally could move within the country without restriction; however, visitors required special permission to travel to certain areas, such as Termez. Authorities in some cases prevented entry of foreign nationals on

political grounds. On August 11–13, authorities detained journalist Igor Rotar at the Tashkent airport and subsequently deported him (see section 2.a.). Also in August a Canadian citizen affiliated with the NGO Central Asian Free Exchange was barred re-entry from abroad because he had failed to apply for accreditation as an NGO representative.

The law does not explicitly prohibit forced exile, and the government did not employ it. At year's end several opposition political figures and human rights activists remained in voluntary exile.

Emigration and repatriation were restricted in that the law does not provide for dual citizenship. In practice returning Uzbek citizens had to prove to authorities that they did not acquire foreign citizenship while abroad, or face prosecution. However in practice, Uzbek citizens often possessed dual citizenship and traveled without issue.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice, the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not force persons given refugee status by the UN High Commissioner for Refugees (UNHCR) to leave the country, according to a 1999 agreement. Although it does not formally recognize asylum or refugee status, the government in practice cooperated with the UNHCR in allowing it to provide assistance to refugees and asylum seekers.

The government considered the Afghan and Tajik refugee populations economic migrants and subjected them to harassment and bribe demands when they sought to regularize their status as legal residents. Such persons could be deported if their residency documents were not in order. Most Tajik refugees were ethnic Uzbeks; unlike their Afghan counterparts, Tajik refugees were able to integrate into and were supported by the local population. Although most Tajik refugees did not face societal discrimination, many of them faced the possibility of becoming officially stateless, as many carried only old Soviet passports rather than Tajikistan passports. Although the government generally tolerated the presence of Afghan refugees, they faced protection problems. For example the UNHCR reported that 15 Afghans were detained over the course of the year, 14 of whom were released. Of the detainees, nine were registered refugees, and six were seeking asylum through UNHCR. The UNHCR reported that Afghan refugees had no access to the legal labor force and therefore had limited means to earn a livelihood. The UNHCR reported that police rarely harassed UNHCR-mandated refugees.

Human Rights Watch, Amnesty International, and other sources reported that authorities pressured relatives of citizens who had fled the country following the events in Andijon and coerced them to travel to refugee camps in Kyrgyzstan to ask them to return (see section 1.f.). Uzbek security forces were also seen outside camps in Kyrgyzstan, and in some cases plainclothes officers infiltrated the refugee population. There were reports that in some instances plainclothes officers attempted to remove persons from a refugee camp by force. In one case in June, Kyrgyz authorities returned to Uzbek custody four of those who had fled after the Andijon events. The returnees were held in incommunicado detention, and the government did not allow relatives or other outsiders to monitor their condition. There were reports that others who fled and returned voluntarily were arrested and physically abused in detention (see section 1.c.).

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; in practice this was not possible through peaceful and democratic means. The government severely restricted freedom of expression and repressed the political opposition (see sections 1.c., 1.d., and 2.a.). The government was highly centralized and was ruled by President Karimov and the executive branch through sweeping decree powers, primary authority for drafting legislation, and control of government appointments, most of the economy, and the security forces.

Elections and Political Participation.—President Karimov was reelected in 2000 to a second term. The OSCE declined to monitor this presidential election, determining preconditions did not exist for it to be free and fair. A 2002 referendum, which multilateral organizations and foreign embassies also refused to observe, extended the term of the presidency from five to seven years. In December 2004 parliamentary elections were held for representatives to the lower chamber; an OSCE limited observer mission concluded the election fell significantly short of international standards for democratic elections. In January a new upper chamber, or

senate, of the parliament was formed; 84 of the 100 members of the chamber were selected by regional legislatures, and President Karimov personally appointed the remaining 16. Five registered progovernment political parties held the majority of seats in the directly elected lower house of parliament; the remainder consisted of nominally independent politicians tied to these progovernment parties. These parties, created with government assistance and loyal to President Karimov, were the only ones permitted to participate in the 2004 parliamentary elections. Many government officials were members of the People's Democratic Party of Uzbekistan, the country's largest party. The party did not appear to play a significant role in government decision making, which President Karimov and other government leaders dominated.

The law makes it extremely difficult for opposition parties to organize, nominate candidates, and campaign. Twenty thousand signatures are required on any application to register a new party. The procedures to register a candidate are burdensome, and the Central Election Commission (CEC) may deny registration. A presidential candidate must present a list of 700 thousand signatures in order to register and is prohibited from campaigning without registration. The CEC may deny registration of presidential candidates if they would "harm the health and morality of the people." Parties and candidates that are denied registration have no right of appeal. The law allows the MOJ to suspend parties for up to six months without a court order. The government also exercised control over established parties by controlling their financing. On March 16, the Cabinet of Ministers issued a decree giving the MOJ control over state funds to parties. Under the decree, the MOJ may adjust funding on a monthly basis according to the size of a party's parliamentary caucus and the ministry's judgment as to whether the party is acting in accordance with its charter, among other factors.

In addition to registered political parties, only citizen initiative groups with 300 or more members may nominate parliamentary or presidential candidates. Initiative groups may nominate parliamentary candidates by submitting signatures of at least 8 percent of the voters in an election district. For presidential candidates a list of 150 thousand signatures is required. Except for registered political parties or initiative groups, organizations were prohibited from campaigning, and candidates were allowed to meet with voters only in forums organized by precinct election commissions. Only the CEC may prepare and release presidential campaign posters.

The law prohibits judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons from joining political parties. The law prohibits parties based on religion or ethnicity; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility, or those that seek to overthrow the government.

The government frequently harassed members of unregistered political organizations (see section 2.b.). On April 20, authorities denied registration to the Birlik opposition political party for the fifth time; they continued harassing the party during the year. The government also continued to harass members of unregistered opposition party Erk. The leaders of three of the four unregistered opposition political parties—Mohammed Solikh of Erk (convicted on terrorism charges in absentia), Abdurakhim Polat of Birlik, and Babur Malikov of the Free Farmers Party—remained in voluntary exile.

There were 21 women in the 120-member lower chamber of the parliament, and 15 in the 100-member senate. There was 1 woman in the 28-member cabinet.

There were 9 members of ethnic minorities in the lower house of parliament and 15 minorities in the senate; the number of members of ethnic minorities in the cabinet was unknown.

Government Corruption and Transparency.—There was a widespread public perception of corruption throughout society, including in the executive branch. It was widely reported that applicants could buy admission to prestigious educational institutions with bribes. Likewise, bribery was widespread in the traffic enforcement system, and there were several reports that bribes to judges influenced the outcomes of civil suits. However, it was also reported that local administrative or police officials were removed from office in isolated cases in response to charges of corruption.

The law states that all government agencies must provide citizens with the opportunity to examine documents, decisions, and other materials affecting their freedoms. In practice the government seldom respected these rights. The public generally did not have access to government information, and information normally considered in the public domain were seldom reported. In June 2004 the NGO Article 19 Global Campaign for Free Expression released an analysis of the country's secrecy and freedom of information laws, which concluded that the types of informa-

tion that can be considered classified, and thus protected by the state, were so broad as to include virtually all information.

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

A number of domestic human rights groups operated in the country, although they were hampered by a fear of official retaliation. The government tended to harass, arrest, and prosecute human rights activists. Two domestic NGOs were registered with the government; however, others were unable to register but continued to function (see section 2.b.). The unregistered groups had difficulty renting offices or conducting financial transactions and could not open bank accounts, making it difficult to receive funds. Operating an unregistered group was technically subject to government prosecution.

Government officials occasionally met with domestic human rights defenders, and individual rights defenders noted that they were able to successfully resolve some cases of abuse through direct engagement with authorities. A foreign NGO continued an initiative, begun in 2004, which provided a forum for domestic human rights defenders to meet with members of the police, prison directorate, and security services. The government cooperated on a limited basis with the NGO.

Police and security forces increased harassment of domestic human rights activists and NGOs during the year. Following the May violence in Andijon, authorities arrested several activists on charges of anticonstitutional activity and conspiracy to incite public disorder. Government officials publicly accused specific activists of conspiring with international journalists to discredit the government (see section 1.d.). The February 2004 banking decree, although ostensibly designed to combat money laundering, was selectively enforced to prevent both registered and unregistered NGOs involved in human rights or political work from receiving outside funding (see section 2.b.). Following the May events in Andijon, over 200 NGOs, including many human rights groups, were forced to close.

Police and security forces regularly used threats and intimidation to prevent human rights activists from conducting their activities. In several cases local authorities evicted human rights activists from their homes, as in the cases of Muhiddin Kurbanov and Gavhar Yo'ldosheva of Jizzakh Province (see section 1.f.). Unknown assailants frequently attacked human rights activists, including Gavhar Yo'ldosheva, Egamnazar Shaymonov, and Ulugbek Haydarov of Jizzakh Province, and Ulugbek Bakirov of Andijon Province (see section 1.c.). Authorities regularly detained or arrested human rights activists and subjected them to house arrest, and in some cases committed them to involuntary psychiatric treatment, as in the case of Elena Uralyeva (see section 1.c.), or filed false criminal charges against them. Following the May violence in Andijon, the government filed criminal charges against several human rights activists, including Saidjahon Zaynabidinov, accusing them of complicity in terrorist acts aimed at overthrowing the regime (see section 1.d.). On several occasions government agents employed similar tactics against domestic journalists who reported on human rights issues (see section 2.a.). Following the Andijon unrest, there were reports that police threatened and detained journalists; denied journalists and international monitoring organizations access to hospitals, morgues, and various other sites in Andijon; and prevented human rights activists and journalists from entering Andijon (see section 2.d.). Several members of the human rights NGO Ezgulik and other human rights groups who spoke to the public or disseminated information about the events were arrested and prosecuted for slander against the government or disseminating information that presented a threat to public order (see section 1.d.).

The government severely restricted activities of international human rights NGOs and subjected their employees to frequent harassment and intimidation. Official media accused Freedom House of supporting terrorist organizations that plotted to overthrow the government. The government forced the closure of Freedom House resource centers in Samarkand and Namangan (see section 2.b.), maintaining that the existence of such "affiliate structures" violated Freedom House's charter. At year's end a trial to rule on the suspension of Freedom House continued. The office of the prosecutor general, in the trial of suspects in the Andijon unrest, accused HRW of participating in an international "information war" against Uzbekistan. In June police briefly detained a four-person delegation of the International Helsinki Federation visiting Andijon, subsequently sending them back to Tashkent. After the May violence in Andijon, police pressured lawyers affiliated with a foreign NGO-funded public defender center in Andijon, who had represented most of the 23 defendants in the trial of Akromiyar businessmen in Andijon from February to May.

The government withheld registration of the IWPR, a London-based NGO dedicated to the training and protection of journalists in areas of conflict, on the grounds

that it was engaging in journalism rather than training. IWPR continued to work with local and international journalists to produce critical stories about the country's politics, judicial system, and human rights practices until May. Following the May events in Andijon, IWPR journalist Galima Bukharbayeva fled the country in response to threats of prosecution. Independent journalists who contributed stories to IWPR experienced frequent intimidation, harassment, and occasional violent attacks by unidentified assailants throughout the year. In early December IWPR terminated all activity in the country in response to the security threat to its stringers.

In August authorities deported Russian citizen and journalist Igor Rotar, who had reported on violations of religious freedom for the Forum 18 news service (see section 2.a.).

In contrast to previous years, the government restricted the activities of international bodies and foreign diplomatic missions and severely criticized their human rights monitoring activities and policies. On February 17, President Karimov insisted that the OSCE "rebalance" its priorities away from human rights and democratization. In August the government denied accreditation to the OSCE's newly arrived human dimension officer. In the wake of the Andijon violence, the government criticized the UNHCR for having given refugee status to over 200 persons who fled into Kyrgyzstan following the events, accused UNHCR of supporting terrorist groups, and pressured foreign governments to return to the country's mandate refugees under their care. In September the Ministry of Foreign Affairs threatened to expel certain foreign diplomats who had met with human rights activists in Andijon. From September to November, during the supreme court trial of defendants accused in connection with the Andijon events, government prosecutors and state witnesses accused foreign diplomats of cooperating with foreign journalists and human rights activists in Andijon to discredit the country in world opinion.

Following the May violence in Andijon, foreign governments, the UN, the OSCE, the European Union, and other international organizations called on the government to allow an independent international investigation into the events. The government repeatedly refused to do so and instead formed a "diplomatic monitoring group" consisting of selected foreign diplomatic representatives who were invited to periodic meetings to hear the conclusions of the prosecutor general's own investigation. According to participants in the group, the process was not transparent. On July 12, the UNHCR released a report on the Andijon violence, based on a mission to refugee camps in neighboring Kyrgyzstan, which concluded: "Consistent, credible eyewitness testimony strongly suggests that grave human rights violations . . . were committed by Uzbek military and security forces . . . It is not excluded . . . that the incidents amounted to a mass killing."

The human rights ombudsman's office, affiliated with the parliament, had the stated goal of promoting observance of fundamental human rights and resolving cases of alleged abuse. The ombudsman may make recommendations to modify or uphold decisions of government agencies, but its recommendations are not binding. The ombudsman has eight regional offices outside Tashkent. During the year the office handled hundreds of cases, a large majority of which dealt with abuse of power and various labor and social welfare issues. The ombudsman published reports identifying the most serious violations of human rights by government officials; the majority of these involved procedural violations and claims of abuse of power by police and local officials. Due to its limited authority, most of the cases the ombudsman successfully resolved appeared to have been relatively minor. In December the ombudsman's office hosted a conference 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 the government complies with its international obligations to provide human rights information. In the view of many observers, the center was neither independent nor effective.

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status; however, societal discrimination against women and persons with disabilities, and child abuse persisted.

Women.—The law does not specifically prohibit domestic violence, which remained a common problem. While the law punishes physical assault, police often discouraged women from making complaints against abusive husbands, and abusers were rarely taken from home or jailed. Wife beating was considered a personal family affair rather than a criminal act; such cases were usually handled by family members or elders within the neighborhood committee and rarely came to court. Local au-

thorities emphasized reconciling husband and wife, rather than addressing the abuse. A 2002 HRW report on neighborhood committees concluded that although the committees play no formal role in divorce proceedings, in practice, women frequently were unable to obtain a divorce without the committee's approval, which was seldom granted even in cases of obvious abuse. Most NGOs working on domestic violence problems reported that local government cooperation on education programs increased, with a number of initiatives taken to increase cooperation with neighborhood committees. Some police participated in NGO training.

The law prohibits rape. Marital rape is implicitly prohibited under the law, although there were no cases known to have been tried in court. Cultural norms discouraged women and their families from speaking openly about rape and instances were almost never reported in the press.

In parts of the country in past years, some women and girls committed suicide by self-immolation. Most cases went unreported and there were no reliable statistics on the problem's extent. Observers cited conflict with a husband or mother-in-law, who by tradition exercised complete control over a young bride, as the usual reason for suicide. The NGO Umid in Samarkand ran a shelter for survivors of self-immolation and reported varying degrees of cooperation from individual officials, neighborhood committees, and local governments. There were no reports of similar instances during the year as a result of domestic abuse; however, in April a Tashkent woman attempted suicide by self-immolation to protest the destruction of a vegetable garden at her apartment building by the city government.

The law prohibits prostitution; however, it was an increasing problem, particularly among ethnic minorities. Police enforced the laws against prostitution unevenly; some police officers used harassment and the threat of prosecution to extort money from prostitutes.

Trafficking in women for sexual exploitation remained a problem (see section 5, Trafficking).

The law does not prohibit sexual harassment. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

The law prohibits discrimination against women; traditional, cultural, and religious practices limited their role in society, however, and women were severely underrepresented in high-level positions and in the industrial sector. A deputy prime minister at the cabinet level was charged with furthering the role of women in society and headed the National Women's Committee. In practice the committee was widely viewed as ineffective, and at times even obstructed the work of NGOs promoting women's rights.

Children.—The government was generally committed to children's rights and welfare, although it did not adequately fund public education and health care.

The law provides for children's rights and for free compulsory education through secondary school. In practice shortages and budget difficulties meant that many education expenses had to be paid by families. Teachers earned extremely low salaries and routinely demanded regular payments from students and their parents. According to government statistics, 98 percent of children completed secondary school. However, anecdotal evidence indicated that children increasingly dropped out of middle and high schools as economic circumstances continued to deteriorate.

The government subsidized health care, including for children, and boys and girls enjoyed equal access. As with education, low wages for doctors and poor funding of the health sector led to a widespread system of informal payments for services; in some cases this was a barrier to access for the poor. Those without an officially registered address, such as street children and children of migrant workers, did not have access to government health facilities.

Child abuse was a problem that was generally considered an internal family matter, although elders on neighborhood committees frequently took an interest at the local level in line with the committees' responsibilities to maintain harmony and order within the local community. There were no government-led campaigns against child abuse, although efforts against trafficking involved the protection of underage victims.

Child marriage is not prevalent in the country, although in some rural areas girls as young as 15 sometimes married in religious ceremonies not officially recognized by the state. According to the MOJ, an average of 10 underage (under 17 for girls and under 18 for boys) marriages were reported each year.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution (see section 5, trafficking).

During the harvest some school children, particularly in rural areas, were forced to work in the cotton fields (see section 6.d.).

Trafficking in Persons.—The law prohibits trafficking in persons. Trafficking in women and girls for the purpose of sexual exploitation, and men for labor exploitation, was a problem. A few NGOs reported that some local officials were involved in trafficking on a limited basis.

The law prohibits all forms of trafficking and provides for prison sentences of five to eight years for international trafficking. Recruitment for trafficking is punishable by six months' to three years' imprisonment and fines of up to approximately \$820 (900 thousand soum). The recruitment charge may be brought against international or domestic traffickers. All law enforcement agencies are charged with upholding the antitrafficking provisions of the criminal code. During the year law enforcement authorities improved their focus on trafficking offenses somewhat. In the first 9 months of the year authorities stated they initiated criminal proceedings in 165 cases against 290 suspects. Enforcement was generally effective, but convicted traffickers were often amnestied and served little or no jail time. The government annually amnestied first offenders and those with sentences of less than 10 years; almost every convicted trafficker fell into one of these categories.

During the year the government continued its focus on trafficking prevention. A specialized antitrafficking unit in the MVD established in 2004 continued to cooperate with NGOs and, on a more limited basis, with the OSCE on antitrafficking training for law enforcement and consular officials, and worked with NGOs to produce public awareness campaigns.

The country was primarily a source for the trafficking of women and girls for the purpose of sexual exploitation and men for labor. There were no reliable statistics on the extent of the problem, although NGOs reported labor trafficking was much more prevalent than trafficking for sexual exploitation, and was likely rising due to poor economic conditions. There were credible reports that women traveled to the United Arab Emirates, Kuwait, Bahrain, India, Israel, Georgia, Malaysia, South Korea, Thailand, Turkey, Japan, and Western Europe for the purpose of prostitution; some of them reportedly were trafficking victims. Labor trafficking victims were typically trafficked to Kazakhstan and Russia to work in the construction, agricultural, and service sectors. Some transit of trafficked persons may also have taken place from neighboring countries and to or from countries for which the country was a transportation hub—Thailand, Malaysia, Indonesia, India, South Korea, and the United Arab Emirates (UAE). Women between the ages of 17 and 30 were highly susceptible to sexual trafficking and men of all ages were targets for labor trafficking.

Traffickers operating within nightclubs, restaurants, or prostitution rings solicited women, many of whom had engaged in prostitution. In large cities such as Tashkent and Samarkand, traffickers used newspaper advertisements for marriage and fraudulent work opportunities abroad to lure victims. Travel agencies promising tour packages and work in Turkey, Thailand, and the UAE were also used for solicitation. In most cases traffickers confiscated travel documents once the women reached the destination country. Victims of labor trafficking were typically recruited in local regions and driven to Kazakhstan or Russia where they were often sold to "employers." Traffickers held victims in a form of debt bondage, particularly in the case of those trafficked for sexual exploitation.

Recruiters tended to live in the same neighborhood as the potential victim and often may even have known the victim. These recruiters introduced future victims to the actual traffickers, who provided transportation, airline tickets, visas, and instructions about meeting a contact in the destination country.

Some local officials working at the MVD, customs, and border guards reportedly accepted bribes in return for ignoring instructions to deny exit to young women suspected to be traveling to work as prostitutes. Local sources claimed that officials were involved in document fraud and accepted bribes from persons attempting to travel illegally or from the traffickers themselves.

The government did not prosecute victims of trafficking for violating country laws in the course of being trafficked. Repatriated victims often faced societal and familial problems upon return. In January the government, in conjunction with the IOM, sponsored training for consular officers, which streamlined the repatriation process for trafficking victims and significantly improved efforts to free victims discovered abroad, reducing the process from months to only days.

IOM operated a shelter to help victims reintegrate. As of the end of the year, the shelter had assisted over 60 returned victims. The IOM reported that police, consular officials, and border guards regularly referred women returning from abroad who appeared to be trafficking victims to the organization for services. The government also routinely allowed the IOM to assist groups of returning women at the airport, help them through entry processing, and participate in the preliminary statements the victims gave to the MVD.

During the year some of the local partners that had operated trafficking hot lines in cooperation with the IOM were closed in the post-Andijon crackdown on civil society.

In October the government, in conjunction with the IOM and a local NGO, held a regional antitrafficking conference in Tashkent. In addition the government included neighborhood committee officials in training on identifying and protecting victims of trafficking.

The OSCE Tashkent office cooperated with foreign embassies, NGOs, and the government to hold training seminars for law enforcement, including officers from the NSS, Interior Ministry, Ministry of Foreign Affairs, the customs service, border guards, and the general prosecutor's office. It also provided training for several antitrafficking NGOs, organized roundtables to discuss projects, and provided small grant funding to NGOs. A working group of representatives from the MOJ, Interior Ministry, NSS, and the prosecutor's office, with OSCE support, coordinated antitrafficking work among government agencies.

Government-controlled newspapers carried targeted articles on trafficked women and prostitution; ironically, in some cases, the same publications also carried advertisements soliciting women. In several cases during the year victims cited these awareness campaigns as their first contact with IOM and other antitrafficking NGOs. Government radio continued a weekly call-in program for women who were involved in the sex trade, and government television broadcast documentary features on trafficking. Government-owned television stations worked with local NGOs to broadcast antitrafficking messages and to publicize the regional NGO hot lines that counseled actual and potential victims. The government worked with NGOs to place posters on trafficking hazards on public buses, in passport offices, and in consular offices abroad. As a result, the IOM reported an increase in the number of calls to its antitrafficking hot lines that were specifically directed at victim assistance.

Persons with Disabilities.—Although the law prohibits discrimination against persons with disabilities in the workplace and in education, there is no law specifically prohibiting such discrimination in housing or in access to state services. There was some societal discrimination against persons with disabilities, and children with disabilities were generally segregated into separate schools. The government cared for persons with mental disabilities in special homes. The law does not mandate access to public places for persons with disabilities; however, there was some wheelchair access throughout the country. The law does not provide effective safeguards against arbitrary involuntary institutionalization. A special department and commission under the Ministry of Health was responsible for facilitating access for disabled citizens to health care and a special department under the Ministry of Labor and Social Protection was responsible for facilitating employment of disabled persons.

National/Racial/Ethnic Minorities.—The population was mainly Uzbek, with significant numbers of Russians, Tajiks, Tatars, and Kazakhs as well as ethnic Koreans, Meskhetian Turks, and Germans.

The law prohibits employment discrimination on the basis of ethnicity or national origin. However, Russians and other minorities frequently complained about limited job opportunities. Senior positions in the government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions.

The law does not require Uzbek language ability to obtain citizenship; however, language remained a sensitive issue. Uzbek is the state language, and the constitution requires that the president speak it. The law also provides that Russian is "the language of interethnic communication." Russian was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara.

Other Societal Abuses and Discrimination.—There was social stigma against HIV/AIDS patients. However, there were NGOs that assisted and protected the rights of persons with HIV/AIDS. In October the government, in cooperation with UN agencies and NGOs, launched a national HIV/AIDS prevention program aimed at increasing awareness of the disease and curbing its spread. President Karimov's daughter, Lola Karimova, was a prominent spokesperson for the campaign.

Homosexual activity is a crime punishable by up to three years' imprisonment. Some homosexuals reportedly left the country seeking a more tolerant environment.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join unions of their choice, although workers were unable to exercise this right in practice. The law declares unions independent of governmental administrative and economic bodies, except where provided for by other laws. In practice, unions remained centralized and dependent on the government. There were no independent unions.

The law prohibits discrimination against union members and officers; however, this prohibition was irrelevant due to unions' close relationship with the government.

b. The Right to Organize and Bargain Collectively.—Unions and their leaders were not free to conduct activities without interference from the government. The law provides the right to organize and to bargain collectively; in practice the government did not respect these rights. Unions were government-organized institutions that had little power, although they did have some influence on health and work safety issues.

The law states that unions may conclude agreements with enterprises, but because unions were heavily influenced by the state, collective bargaining in any meaningful sense did not occur. The Ministry of Labor and Social Protection and the Ministry of Finance, in consultation with the Council of the Federation of Trade Unions (CFTU), set wages for government employees. In the small private sector, management established wages or negotiated them individually with persons who contracted for employment.

The law neither provides for nor prohibits the right to strike. In late April approximately 500 workers at the Shorsuv metals plant in Ferghana Province staged a hunger strike to protest plant managers, whom workers accused of cheating them out of shares in the enterprise.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, except as legal punishment or as specified by law; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The government did not effectively implement laws and policies to protect children from exploitation in the workplace. The law establishes the minimum working age at 14 and provides that work must not interfere with the studies of those under 18. Children between the ages of 14 and 16 may work a maximum of 20 hours per week when school is not in session and 10 hours per week when school is in session. Children between the ages of 16 and 18 may work 30 hours per week while school is not in session and 15 hours per week while school is in session. In rural areas younger children often helped to harvest cotton and other crops.

The large-scale compulsory mobilization of youth and students to help in the fall cotton harvest continued in most rural areas. Such labor was poorly paid. There were occasional reports from human rights activists that local officials in some areas pressured teachers into releasing students from class to help in the harvest and in many areas, schools closed for the harvest. In 2000 UNICEF estimated that 22 percent of children ages 5 to 14 worked at least part time, primarily in family organized cotton harvesting.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution (see section 5).

Enforcement of child labor laws is under the jurisdiction of the prosecutor general and the Ministry of Interior and its general criminal investigators. The law provides both criminal and administrative sanctions against violators, but authorities did not punish violations related to the cotton harvest and there were no reports of inspections resulting in prosecutions or administrative sanctions. Enforcement was limited due to insufficient resources.

e. Acceptable Conditions of Work.—The Ministry of Labor and Social Protection, in consultation with the CFTU, sets and enforces the minimum wage. At year's end the minimum wage was approximately \$8.25 (9,400 soum) per month, which did not provide a decent standard of living for a worker and family.

The law establishes a standard workweek of 41 hours and requires a 24-hour rest period. Overtime pay exists in theory but was not usually paid in practice. Payment arrears of four to six months were common for workers in state-owned industries, including government office workers and officials.

The labor ministry established and enforced occupational health and safety standards in consultation with unions, but reports suggest that enforcement was not particularly effective. The press occasionally published complaints over the failure of unions and the government to promote worker safety. While regulations provide for safeguards, workers in hazardous jobs often lacked protective clothing and equipment. Workers legally may remove themselves from hazardous work without jeopardizing their employment, although few workers, if any, attempted to exercise this right, as it was not effectively enforced.