

NEAR EAST AND NORTH AFRICA

ALGERIA

Algeria is a multi-party republic based on a constitution and a presidential form of government. The head of state is elected by popular vote to a 5-year term. The president has the constitutional authority to appoint and dismiss cabinet members, as well as the prime minister, who acts as the head of the government. The president also serves as commander in chief of the armed forces. In the country's first democratic, contested presidential elections, President Bouteflika was re-elected in April 2004 from among five other candidates while the military remained neutral. An international observer concluded these elections were generally free and fair, although not without flaws. Government authorities further strengthened civilian rule and control over the military; however, in some instances security forces acted independently of government authority.

The following human rights problems were reported:

- failure to account for past disappearances of persons
- allegations of abuse and torture of detainees
- impunity
- arbitrary arrest and prolonged pretrial detention
- lack of judicial independence
- denial of fair and expeditious trials
- restrictions on civil liberties—freedoms of speech, press, assembly, association, and movement
- limitations on freedom of religion
- corruption and lack of government transparency
- discrimination against women and minorities
- restrictions on workers' rights

Despite these problems following over a decade of civil strife and terrorism, the government took several important steps to strengthen human rights. There was a significant further reduction in reported abuses and use of torture by the security forces. A new code of police conduct reduced the number of arbitrary arrests. Government actions contributed to a reduction in the number of terrorism-related civilian deaths. The government launched a widespread crackdown on corruption, sentencing officials to prison; however, corruption remained a serious problem. Revisions to the Family Code and Nationality Code substantially strengthened equal rights protections for women. The government took significant steps during the year to defuse tensions with the Kabylie and address social and economic concerns of regional leaders. An accord reached between the government and the Arouch (Berber citizen) Movement led to special regional elections in November that addressed under representation of Kabylie interests in regional and municipal assemblies.

Terrorist groups committed numerous, serious abuses. Security force operations weakened terrorist groups and lowered casualty levels during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no politically motivated killings by the government or its agents; however in July in Bechar, one asthmatic woman died during a protest in which police used teargas.

According to the government, the total number of terrorist, civilian, and security force deaths during the year was 488, compared to 429 in 2004 and 1,162 in 2003. Of these 488 deaths during the year, terrorists killed 76 civilians (93 in 2004) and

177 security force members (117 in 2004); and security forces killed an estimated 235 suspected terrorists (219 in 2004).

According to credible reports in May 2004, adolescents Chouaib Argabi and Ali Remili stole food, hid it in a palm grove, and attempted to retrieve it in the night. In an area where armed terrorist groups have conducted operations, Communal Guards (GLD) noticed their movements and allegedly fired without warning, killing Argabi, an ethnic Berber, and sparking demonstrations the next day (see section 1.c.). The commander of the GLD publicly denied that his guards fired summarily. Although an investigation was conducted, the results were not made public.

Terrorists targeted civilians, security forces, and infrastructure, often using stolen police uniforms, weapons, and equipment. Revenge, banditry, and land ownership disputes and not terrorism per se prompted some killings. The violence occurred predominantly in mountainous and rural areas.

b. Disappearance.—During the year, there were no reports of politically motivated disappearances. Thousands of disappearances occurred in the mid-1990s, most of which were attributed to the security forces. The last known disappearance, according to local and international non-governmental organizations (NGOs), occurred in 2002.

The total number of disappeared during the 1990's continued to be debated. Officially, the government estimated during the year that 6,146 persons were missing or disappeared as a result of government actions between 1992 and the end of 1998, with some 10,000 additional persons missing or disappeared from terrorist kidnappings and murders. However, local NGOs reported that security forces played a role in the disappearances of approximately 8,000 persons. Amnesty International (AI), in its 2003 report, stated that 4,000 men and women disappeared from 1993–2000 after being arrested by members of the security forces or state-armed militias. Human rights attorney Ali Yahia Abdenour estimated in 2003 the total missing from both security force and terrorist actions, based on the testimony of family members, at 18,000.

Nearly all of the disappearances remained unresolved. Local offices of the Ministry of Interior in each district accepted cases from resident families of those reported missing, but provided little useful follow-up information. In 2003, the government established the Ad Hoc Mechanism on the Disappeared and named Farouk Ksentini as director. The Mechanism has the authority to request information on behalf of victims' families from governmental agencies to research familial claims of disappearances, but it is not an investigative body and cannot force the cooperation of other governmental agencies or the security forces.

In February 2004, President Bouteflika publicly declared that the state must accept responsibility for the actions of security personnel, even though such actions were not authorized by government policy. In April 2004, the Mechanism provided President Bouteflika with recommendations for dealing with disappearances. One recommendation was that, for cases documented in the Mechanism's files, an indemnity should be paid to the families of the disappeared. According to Ksentini, the Mechanism had files on 5,000 such cases, although SOS Disparus, a local NGO, claimed in September 2004 that the Mechanism only had 300 files, despite the large numbers of disappearances and records maintained by local NGOs. In March, the Mechanism submitted its final, but not publicly released, report on the current human rights situation and recommendations to the president.

Local and international human rights NGO groups criticized the Mechanism for its ineffectiveness during its 18-month mandate. In its 2005 report, AI asserted that the Mechanism lacked professionalism and independence. In June, Human Rights Watch (HRW) said the Mechanism had done little to advance the causes of truth and justice. NGOs were neither invited to give any input related to its creation nor consulted for recommendations, although the Mechanism has met, on a case-by-case basis, with individual NGOs that requested a meeting, including AI and HRW. According to NGOs, the Mechanism, established, funded, and staffed by the government, could not provide any guarantee of its independence and impartiality. While most families of disappeared generally welcomed indemnity, they as well as local and international NGOs continued to demand that the government make greater efforts to locate the remains of the missing, investigate disappearances, determine responsibility, and hold perpetrators accountable.

No reported prosecutions of security force personnel stemmed from these cases. According to some local NGOs, the government has refused to investigate cases to avoid the possibility of criminal charges against security forces or other government officials. For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Courts have therefore refused to consider cases where a family member, as a single eyewitness to an abduction, had identified specific policemen as the abductors.

The government asserted that the majority of reported disappearances either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals. However, there is no evidence that the government investigated any of the 5,200 cases that it acknowledged were caused by security forces. Ksentini stated on several occasions that any security force involvement in the disappearances was the result of individuals operating outside the scope of their superior's orders and without instruction from any specific state institution. While acknowledging the government's responsibility to protect its citizens, Ksentini said the Mechanism would forward evidence of criminality to the judiciary for prosecution but had not yet done so because there was not enough evidence in any case.

The government also placed restrictions in 2003 on the international NGO Freedom House's efforts to investigate cases of disappeared persons. The government required Freedom House to submit its proposed activities in advance for governmental approval. Government officials said technical assistance was welcomed, but no political activities would be allowed. As a result, a proposed international conference on the disappearances organized by the Human Rights League and the NGO SOS Disparus was not allowed to proceed. The government also denied visas to Freedom House associates, causing some events to be cancelled.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Both the constitution and Legal Code prohibit torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports by AI and Algeria Watch that government officials employed such practices.

Although the Penal Code prohibited torture, legislation enacted in September 2004 criminalized torture, and government agents now face prison sentences for up to three years for committing such acts. Impunity remained a problem (see section 1.d.).

According to human rights lawyers the incidence and severity of torture is on the decline due in part to better training of the security forces and alternative intelligence gathering techniques. However, they maintained that torture still occurred in military prisons, more often against those arrested on "security grounds." In May, AI reported that the "chiffon" method—stuffing a rag into someone's mouth while forcing contaminated liquids into the victim's stomach until he or she vomits, while at the same time making it almost impossible to breathe—was the preferred method of torture because it left no physical traces of assault.

Seven gendarmes were in detention in a military prison in Blida awaiting trial on charges of torture and maltreatment.

In May 2004, 24 adolescents were arrested in T'kout following demonstrations protesting the death of Chouaib Argabi (see section 1.a.). Six of the adolescents told their lawyer that they had been tortured and sexually abused by the gendarmerie during their detention. Their attorney, Salah Hanoun, claimed in the press that he saw physical proof of mistreatment, which included burns and bruises, and took photographs. During their trial, defense lawyers raised the issue of torture, but the judge refused to permit any discussion of the matter. Most of the accused spent at least five months in prison but received a presidential pardon in 2004. All 24 adolescents have since been released.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, while the government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC) and the Red Crescent, to regular, non-military prisons, it continued to deny visits to its military or high security prisons and detention centers. During the year, UN Development Program (UNDP) noted improved conditions in civilian and low security prisons as a result of prison reform. The UNDP also worked with the government to improve educational programs in prisons, allowing 233 prisoners during the year to earn their high school diploma through classes held in prisons, as part of prison reform efforts begun in 2004.

Overcrowding and insufficient medical treatment also remained problems. A privately-owned newspaper reported there was 1 doctor for every 300 prisoners, and the quality of the health units improved during the year. In October 2004, the ICRC visited civilian prisons and pretrial detention centers but was still barred from the country's military and high security prisons and detention centers.

Hunger strikes were held in several prisons throughout the country in protest over the length of pretrial detentions.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, in practice the security forces continued arbitrarily to arrest and detain citizens, although reportedly less frequently than in previous years.

Role of the Police and Security Apparatus.—The national police or General Directorate for National Security falls under the control of the Ministry of Interior. The Gendarmerie, under the Ministry of Defense, also perform police-like functions throughout the country. Police were generally effective at maintaining order throughout the country. Low levels of corruption did exist, especially in the Customs Police.

The government stated in 2003 that, as a matter of policy, disciplinary action will be taken against soldiers or police found guilty of violating human rights, but impunity remained a problem. The government did not provide disaggregated public information on the numbers, infractions or punishments of police, military, or other security force personnel. In January, all security forces were provided for the first time with a copy of the code of conduct, establishing regulations for conduct and sanctions for abuses, as part of human rights training. According to human rights attorneys, police officials, and local NGOs, the largest single abuse of police authority occurred as a result of officers not following established guidelines for arrests.

Arrest and Detention.—Police must obtain a summons from the prosecutor's office in order to require a suspect to appear in a police station for preliminary questioning. Summons are also used to notify require the accused and/or the victim(s) to attend a court proceeding or hearing.

The government issues warrants under three different circumstances: to bring an individual from work or home to a court; to execute a prosecutor's approved request to place a person into custody pending trial; or to arrest a suspect considered to be a flight risk. Police may make arrests without a warrant if they witness the offense taking place. Summons are generally issued when the case is ready for trial, whereas warrants are issued before the case comes to court.

The constitution requires that a suspect may be held in detention for up to 48 hours without charge. If more time is required for gathering additional evidence, the police may request the prosecutor extend the suspect's detention to 72 hours. In practice, the security forces generally adhered to the 48-hour limit in non-terrorism cases.

Persons accused of acts against the security of the state, including terrorism, may be held in pretrial detention no longer than 20 months, according to the Code of Penal Procedure; however, the prosecutor must show cause every 4 months for continuing pretrial detention.

Prolonged pretrial detention remained a problem. A suspect may be held in preventive detention for 4 months with extensions not to exceed 12 months, according to Article 125 of the Code of Penal Procedure. The prosecutor must show cause every four months to continue the pretrial detention. Judges rarely refused prosecutor requests for extending preventive detention. Detention can be appealed to a higher court, but is rarely overturned. If the detention is overturned, the defendant can request compensation. According to the Minister of Justice, prosecutors sometimes abused investigative detention.

Detainees in pretrial detention must be informed of their right to communicate immediately with family members, receive visitors, and to be examined by a doctor of their choice at the end of their detention. However, there have been frequent reports that these rights were not extended to detainees.

There were political detainees; several journalists were detained without charge for lengthy periods before trial for defamation against government officials. In June, journalist Ahmed Benaoum, who was charged with embezzlement of public funds, was released after 11 months in pretrial detention.

In other instances, pretrial detention was less prolonged. Student Merzouk Hamitouche was arrested in December 2004 for destruction of public property and remained in pretrial detention for one month before his trial. He was found guilty and sentenced to three months in jail; however, his sentenced was reduced to probation on appeal.

Dr. Kamel Ferkar was arrested October 31, 2004 following an October 13, 2004 demonstration. He was held without charge until November 8, 2004, when he was charged with unauthorized gathering, destruction of public goods, possession of a weapon, and obstruction of a public road. He was held in pre-trial confinement until March 12 when he was found guilty and condemned to five months in prison and a \$40 (3000 dinars) fine.

There is no system of bail, but in non-felony cases suspects are usually released on "provisional liberty" while waiting for their trial. Under provisional liberty, suspects are required to report weekly to the police station of their district and are forbidden from leaving the country.

Local prosecutors are required to grade the performance of police captains operating in their jurisdiction to ensure that they comply with the law in their treatment of suspects. Police captains subsequently grade their officers. In addition, any

suspect can request a medical examination once on police premises or before facing the judge.

Amnesty.—From April 2004 to July 2005, President Bouteflika issued a blanket presidential pardon to 18,126 prisoners convicted of petty crimes.

e. Denial of Fair Public Trial.—Although the constitution provides for an independent judiciary, executive branch decrees and influence, in practice limited the independence of the judiciary. However, during the year the government made historic strides towards reforming the judiciary. The government launched an investigation into judicial corruption. Forty magistrates were investigated, three of whom were detained pending the investigation's conclusion. In September Justice Minister Tayeb Belaiz publicly announced that 60 magistrates had been fired because "of reprehensible acts". In the same month, 21 magistrates appeared before the High Council of Magistrates for disciplinary sanctions, which could range from expulsion to transfers.

The judiciary is composed of the civil courts, which hear cases involving civilians facing charges not related to security or terrorism; and the military courts, which can also hear cases involving civilians facing security and terrorism charges. Regular criminal courts can try cases involving security-related offenses at the local level.

The nine-member Constitutional Council reviews the constitutionality of treaties, laws, and regulations. Although the council is not part of the judiciary, it has the authority to nullify laws found unconstitutional, to confirm the results of any type of election, and to serve as the final arbiter of amendments that pass both chambers of the parliament before becoming law. Since May 1, the council functioned without a president.

Trial Procedures.—Most trials are public and non-jury. Defendants are presumed innocent, have the right to be present and to consult with an attorney, provided at public expense if necessary. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants also have the right to appeal, and the testimonies of men and women have equal individual weight.

Government authorities did not always respect all legal provisions regarding defendants' rights, and they continued to deny due process. Women were denied equal rights before the law due to the court's application of the Family Code, based on Shari'a (Islamic law). However, the situation improved during the year with the liberalizing reforms to the Family Code and passages of the new Nationality Code giving women the right to transmit nationality in their own right and to marry non-Muslims. Defendants and their attorneys were sometimes denied access to government-held evidence relevant to their cases.

There are four military tribunal courts, in Oran, Blida, Constantine, and Bechar. These courts try cases involving state security, espionage, and other security-related offenses involving military personnel and civilians. Each tribunal consists of three civilian judges and two military judges. Although the president of each court is a civilian, the chief judge is a military officer. Defense lawyers must be accredited by the military tribunal to appear. Attendance of the public at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. The military tribunals tried cases during the year, but no specific information was available.

Political Prisoners.—There were political prisoners, namely journalists serving prison sentences for defamation against government officials (see section 2.a.).

In February, the Superior Council of Judges permanently dismissed and disbarred Judge Mohamed Ras El Ain at a disciplinary hearing. Judge Ras El Ain was not afforded due process during the trial. Human rights lawyers and local and international press reported that he was brought up on disciplinary charges for criticizing the politicization of the judiciary and an October 2003 court decision preventing oppositionists within the National Liberation Front from holding a party congress.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions; in practice, however, government authorities at times infringed on citizens' privacy rights. The government actively monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists (see Section 4).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and press; however, in practice, the exercise of these rights was restricted.

Individuals can generally criticize the government privately and publicly without reprisal. However, citizens are less inclined to criticize the government in public. Political meetings are usually monitored.

Government pressure on the press markedly increased during the year. The government's use of defamation laws to harass and arrest journalists, its closure of two newspapers for debts to the state-owned printing house, and its continued grant of an advertising monopoly to the state-owned advertising agency intimidated papers into practicing self-censorship. As long as the press refrained from what government authorities might consider "insults" to the honor and dignity of individuals, it remained able to criticize government shortcomings and report some criticism of the government, including failure to address social and economic issues, lack of transparency, and government actions against the press. However, the press faced significant repercussions from the government for personal attacks on government officials.

The law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree gives the government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. These regulations were heavily applied throughout the year, and in some instances the government targeted specific media organizations and their staff. In a July press conference in Algiers, the NGO International Federation of Human Rights Leagues said that the government repressed the press.

The country's non-state owned print media consisted of more than 45 publications that supported or opposed the government to varying degrees; only 6 newspapers' circulation exceeded 10 thousand copies. In addition, two French-language papers and two Arab speaking papers are owned by the state. Many parties, including legal Islamic political parties, had access to the independent press, and made use of it to express their views. Opposition parties also disseminated information via the Internet and in communiqués.

Government economic leverage was considerable. All newspapers are printed at government-owned presses, and the government continued to exercise pressure on the independent press through the state-owned advertising company, Agence Nationale d'Édition et de Publicité (ANEP), which decided which independent newspapers could benefit from advertisements placed by state-owned agencies and companies. ANEP, and therefore the government, controlled the largest source of income for newspapers.

Most independent newspapers continued to rely on the government's four publishers for printing presses and newsprint. In July 2004, SIMPRAL, the Algiers-based government publisher, stopped printing *Le Matin* for its failure to pay a debt of \$512,533 (38 million dinars). The paper went bankrupt and the building was sold in 2004.

In February, the government prevented the importation of the weekly French magazine *L'Express* due to an article entitled "Networks in Algeria" covering the resurgence of some traditional structures such as the *zaouias* (religious brotherhoods), regional tribes and some business groups. In March, the government prohibited the distribution of the weekly magazine *L'Intelligent* because of an article critical of the government's ineffectiveness in resolving the issue of the disappeared. The December issue of the same publication was seized December 25 and not distributed because it contained an interview with the former Islamic Salvation Army chief Madani Mezrag in which he confessed to having killed persons prior to the adoption of the 1999 Civil Concord.

The law permits the government to levy fines and jail time against the press in a manner that restricts press freedom. The most common form of harassment was through the use of defamation laws. The Penal Code imposes high fines and prison terms of up to 24 months for defamation or "the insult" of government figures, including the president, members of parliament, judges, members of the military and "any other authority of public order." Those convicted face prison sentences that range from 3 to 24 months and fines of \$675 to \$6,750 (50,000 to 500,000 dinars). During the year, 11 journalists were sentenced to jail terms for defamation, some of whom were previously convicted of offenses in 2004. Farid Allilat (1 year), Ali Dilem (1 year), Djameleddine Benchenouf (3 months) and Abrous Outoudert (6 months) from *Liberté*; Fouad Boughanem (1 year), Reda Belhajouja (6 months), Nacer Belhajouja (6 months), Kamel Amarni (1 year) and Malika Boussouf (6 months) from *Le Soir D'Algérie*; Youcef Rezzoug (3 months), Yasmine Ferroukhi (3 months), Abla Cherif (2 months), Hassane Zerrouky (2 months) and Badis Massoui (2 months) from *Le Matin*; Salima Tlemceni from *El Watan*; and Abder Bettache (2 months), Ghanem Khemis (2 months) and Abdelkader Djemaa (2 months) from *El*

Youm were all convicted on defamation charges during the year and were free pending appeal.

From 2001 to 2004, the government prosecuted at least 10 journalists under the Penal Code. Djamel Benchenouf, Farid Allilat, and Ali Dilem from *Liberté*; Mohamed Benchicou and Sid Ahmed Semiane from *Le Matin*; Hafnaoui Ghoul of *Djazair News*; and Ali Boughanem, Mohamed Bouhamidi, and Kamel Amarni from *le Soir d'Algerie* were all charged for defamation and received sentences ranging from 2 months to two years.

In 2004, Mohamed Benchicou, the managing editor of the opposition paper *Le Matin* and author of a book critical of the president, *Bouteflika—An Algerian Impersonation*, was convicted of violating foreign exchange controls in attempting to sell the book. He was fined 200,000 euros and sentenced to two years in prison. The sentence was upheld on appeal and his fine was tripled. He was also convicted on one count of defamation and ordered to pay a fine of \$675 (50,000 dinars). Various international actors, including the EU Parliament, denounced his detention on the one-year anniversary of his incarceration. In July, Benchicou's lawyers confirmed that his appeal file was lost by the Supreme Court. In August, after the file was found, Benchicou appealed the defamation charge. At year's end, there were still nine cases of defamation against Benchicou. In four cases, he was charged on the basis of his own writings; for the other five, he was charged as editor in chief of the newspaper *Le Matin*. Benchicou has appealed all cases.

The government continued restrictions on the international media's coverage of issues relating to "national security and terrorism." In 2003, the government deported four journalists for their coverage of released political prisoners Ali Belhadj and Abassi Madani. The government threatened similar action against others who violated the guidelines of the Ministry of Communication communiqué forbidding media coverage of the prisoners' release (see Section 1.d.).

Radio and television are government-owned, with coverage favorable to government policy. Presidential candidates received equal amounts of time on the state-owned radio and television channels during the three-week official campaign season prior to the April 2004 elections. However, both before the official campaign and in the period following the elections, opposition candidates were generally denied access to the public radio or television. Additionally television access was still severely limited for some opposition parties. These limitations were less evident for radio.

Satellite dish antennas were widespread.

During the year the government increased access for print and broadcast media for Tamazight (Berber language) and Amazigh culture, building on advances made in 2004. In addition, Tamazight programming increased on the non-Berber channels, as well as advertisements in Tamazight on all television and radio channels. In September, the *wilaya*, or province, of Bouira welcomed the first national book fair in Tamazight.

Some restrictions remain in place on the international media, limiting its ability to report freely. Al-Jazeera's office has been closed since 2004. The accreditation of a photographer from Agence France Presse was refused. Teams from Al-Hurra and Dubai TV did not receive permission to film a documentary. Ahmed Megaache from Al-Arabia and Ait Larbi from *Le Figaro* have yet to receive accreditation. In November, a team from Berber TV assigned to cover elections in Kabylie had difficulties taking possession of their video equipment at the Port of Algiers.

The government limited academic freedom. While a growing number of academic seminars and colloquiums occurred without governmental interference, there were extensive delays in issuing visas to international participants and instances where international experts were denied entrance (see section 4).

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association; however, the exercise of these rights was severely restricted in practice.

Freedom of Assembly.—Although the constitution, under Article 41, provides for the right of assembly, the emergency law and government practice continued to sharply curtail this right. A decree issued in 2000 continued to ban demonstrations in Algiers. Citizens and organizations were required to obtain permits from their appointed local governor before holding public meetings. The government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were often granted on the eve of the event, thereby impeding publicity and outreach. During the year, the Algerian League for the Defense of the Rights of Man (LADDH) could not hold meetings outside its headquarters without the governor's permission, which was rarely granted, greatly hampering the League's human rights efforts. Groups opposing the Charter on Peace and Reconciliation also had difficulties securing permission to hold public gatherings.

The government broke up numerous marches, protests, and demonstrations during the year outside the capital. In January and February, demonstrations in Djelfa, Mascara, Kherrata, Ain Abid, Maghnia, Tiaret, and Bouira protested the rise in gas prices. Some security force personnel and demonstrators were injured during the protests, and some demonstrators were arrested or detained. In July there was a wave of protests in the south in response to government corruption, power outages and sanitation problems. When security forces were unable to control the crowd, tear gas was used, and one woman with asthma died as a consequence.

In May, a protest in Algiers against the government's failure to resolve the issue of disappeared persons took place in front of parliament and was allowed to continue until protesters returned home peacefully. The organizers maintained, however, that the police prevented families from other provinces from participating.

In Algiers, every Tuesday morning throughout the year families of the disappeared staged a sit-in before the government's human rights ombudsman, the National Consultative Commission for the Promotion and Protection of Human Rights. The police did not intervene to break up the demonstrators, the majority of whom were older women.

Freedom of Association.—The constitution provides for the right of association; however, the emergency law and government practice severely restricted this right in practice. The interior ministry must approve all political parties before they may be established (see section 3). The government restricted the registration of certain NGOs, associations, and political parties on "security grounds," but declined to provide evidence or legal grounds for refusing to authorize other organizations that could not be disqualified under articles pertaining to national security. The government frequently failed to grant official national recognition to NGOs, associations, and political parties in an expeditious fashion. The NGO SOS Disparus, as well as the Democratic Front of Sid-Ahmed Ghozali and the Wafa party of Ahmed Taleb Ibrahim are still not officially recognized.

The government issued licenses to domestic associations, especially medical and neighborhood associations. In 2004, the interior ministry reported that many inefficient associations, especially cultural ones, ceased to exist due to poor management, poor finances, and lack of interest. Youth, medical, literacy, and neighborhood associations continued to benefit from government support and the interest of members. The interior ministry regarded those organizations unable to attain government licenses as illegal. Domestic NGOs confronted bureaucratic obstacles when receiving support from abroad.

The Southern Movement for Justice (SMJ) was organized in March 2004 with the objective of creating political awareness for politicians to address the south's high rates of poverty, illiteracy, and unemployment. In October 2004, the government arrested 10 SMJ delegates for organizing meetings of a non-recognized association following two peaceful protests. Some received six months in prison and have since been released; others received six months' probation.

The ministry may deny a license to, or dissolve, any group regarded as a threat to the government's authority, or to the security or public order of the state. After the government suspended the parliamentary election in 1992, it banned the FIS as a political party as well as social and charitable groups associated with it (see section 3). Membership in the FIS, although a defunct organization, remained illegal. The Islamic Workers Union was banned in the 1990s and officially dissolved during the year (see section 6.a.).

The government took significant steps during the year to defuse tensions with the Kabylie and address the concerns of regional leaders. In particular, Prime Minister Ahmed Ouyahia reached agreement on a number of Kabylie grievances with Arouch leader Belaid Abrika, who had been physically assaulted during a public protest rally and seriously injured in 2003 by members of government security services. The accord addressed economic and social concerns and made possible regional elections in November.

c. Freedom of Religion.—Article 2 of the constitution declares Islam to be the state religion. There are restrictions on public assembly for purposes of practicing a faith other than Islam without a license, prohibitions on proselytizing of citizens by foreigners, and controls on the importation of religious materials. In practice, the government restricted religious freedom.

The government requires organized religions to obtain official recognition prior to conducting any religious activities. The Protestant, Roman Catholic, and Seventh-day Adventist churches are the only non-Islamic faiths authorized to operate in the country. Members of other denominations, particularly Methodists, were forced to operate without government permission or register as a part of the Protestant Church. According to the Ministry of Religious Affairs, the Ministry of Interior is

responsible for determining the penalties for those practicing a non-recognized religion; however, in practice, non-recognized religious group meetings were largely tolerated.

Islamic law (Shari'a) does not recognize conversion from Islam to any other religion; however, in cases of conversion the government applies civil law, where conversion is not illegal. There are no specific laws against Muslim citizens proselytizing non-Muslims; however the government considers the proselytizing of Muslim citizens by non-Muslims a subversive activity. The government restricted the importation of religious literature, including Islamic literature, intended for widespread distribution, although it did not restrict such materials for personal use. Over the last few years, non-Islamic religious texts and music and video selections have become easier to locate for purchase. The government-owned radio station provided broadcast time to a Protestant and Catholic radio broadcast. The government prohibited the dissemination of any literature portraying violence as a legitimate precept of Islam.

The ministries of education and religious affairs strictly require, regulate, and fund the study of Islam in public schools. The government monitored activities in mosques for possible security-related offenses, barred their use as public meeting places outside of regular prayer hours, and convoked imams to the Ministry of Religious Affairs for "disciplinary action" when deemed appropriate. The Ministry of Religious Affairs provided financial support to mosques and paid the salaries of imams; the ministry also trained and regulated the appointment of imams, and the law allows it to pre-screen religious sermons before they are delivered publicly (see section 2.a.). However, the ministry rarely interferes with sermons beyond an advisory capacity. The government monitors all Koranic schools to prevent extremist teachings.

The Penal Code provides prison sentences and fines for preaching in a mosque by persons who have not been recognized by the government as imams. Persons (including imams recognized by the government) were prohibited from speaking out during prayers at the mosque in a manner that was "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions." The Ministry of Religious Affairs controlled Islamic sermons during the violence between Islamists and the government during the 1990s, and those restrictions largely remained in place.

Societal Abuses and Discrimination.—There were no anti-Semitic incidents during the year, although anti-Semitic political commentary and cartoons appeared periodically in the Arabic-language press without government response. The government did not promote tolerance or anti-bias education, and there is no hate crime legislation. The country's Jewish population numbered approximately 60 persons.

The country's decade-long civil conflict has pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group and its later offshoot, the Salafist Group for Preaching and Combat, against moderate Muslims. Radical Islamic extremists have issued public threats against all "infidels" in the country, both foreigners and citizens. As a rule, the majority of the country's terrorist groups did not differentiate between religious and political killings.

Following the issuance of an announcement by the authorities warning against such behavior, the tribunal of Bejaia sentenced six young persons in October to 3 to 6 months in prison for having eaten in an "ostentatious way" during daylight hours in the Muslim fasting month of Ramadan.

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 domestic and foreign travel, and freedom to emigrate; however, the government restricted the exercise of these rights. The government did not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country without special authorization; however, such authorization may be granted to students and to those persons with special family circumstances.

Under the state of emergency, the interior minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The government also maintained restrictions for security reasons on travel into the four southern provinces of Ouargla, El-Oued, Laghouat, and Ain-Salah, where much of the hydrocarbon industry and many foreign workers were located.

Armed bandits and terrorists intercepted citizens at roadblocks, often using stolen police uniforms and equipment to rob them of their cash and vehicles. On occasion, armed groups killed groups of military and civilian passengers at these roadblocks (see section 1.a.).

The Family Code does not permit any females younger than 18 years of age, or children, to travel abroad without their guardian's permission (see section 5).

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

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 and asylum. There were no reports of the forced return of persons to a country where they feared persecution. The government provided temporary protection to upwards of 100,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control in the 1970s. The Office of the UN High Commissioner for Refugees (UNHCR), the World Food Program, the Algerian Red Crescent, and other organizations assisted Sahrawi refugees. The government cooperated with UNHCR and other humanitarian organizations in assisting refugees.

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

Article 10 of the constitution provides citizens with the right to change freely their government, and citizens exercised this right in 2004 through a free, transparent, and multi-party presidential election held on the basis of universal suffrage. The constitution mandates presidential elections every five years.

Elections and Political Participation.—For the first time since the end of the one-party system and after more than a decade of civil strife and continuing acts of terrorism, a sitting president not only completed his five-year term of office, but was re-elected in a contested election. However, the election and the electoral system were not without flaws. President Bouteflika was re-elected in April 2004 to a second term, winning approximately 85 percent of the vote, according to the official results. Voter participation was 58 percent, compared to 46 percent in the 2002 legislative elections.

Unlike previous elections, there was marked improvement towards a more free and transparent electoral process. The military was generally neutral in the election, upholding the Armed Forces chief of staff's promise not to intervene and abiding by a January 2004 electoral reform law that eliminated the practice of voting in barracks a day before the "general vote." Six candidates representing parties with a wide-range of political views participated, and they were able to campaign publicly on television and radio. A woman also ran for president for the first time in the country's history. Unlike in 1999, the candidates did not drop out on the eve of the election; and for the first time, candidates and party representatives were able to review the voter lists prior to the election. The lists were made available to the heads of political parties on CD-ROM, reducing the possibility of election fraud. An election observer from the Organization for Security and Cooperation in Europe stated in a press conference that the election was generally free and fair, though not without flaws.

Problems with the electoral system persisted. The Administrative Court of Algiers was criticized among the country's political class and independent media for having invalidated the National Liberation Front's Eighth Party Congress. The invalidation was viewed as politically motivated and a setback to the president's main opponent, former Prime Minister and FLN Secretary-General Ali Benflis, because the party representatives chosen during the Eighth Party Congress were Benflis supporters. The invalidation also froze the FLN's bank accounts, which became accessible only after the election of the new Secretary General on February 1.

Opposition candidates also complained that the Ministry of Interior regularly blocked registered parties from holding meetings; denied them access to larger and better equipped government conference rooms; and pressured hotels into not making conference rooms available, while facilitating the activities of the pro-Bouteflika FLN. According to the Constitutional Council, which validates election results and determines whether candidates meet all the requirements, three potential candidates did not receive sufficient numbers of signatures for placement of their names on the ballot. Two candidates claimed the Council's invalidation of their signatures was politically motivated, but they were unable to provide any evidence of fraud. Opposition candidates had access to the state-controlled media during the official three-week election campaign period, but not before or after the campaign.

Additionally, opposition candidates, primarily the (Islamist) "Movement for National Reform," expressed concern over potential tampering of the voter lists. Candidates filed numerous complaints that the lists were disorganized, unusable, and inflated. The Electoral Commission made hundreds of corrections in a voter registra-

tion based on 191 complaints. During the year the government welcomed the recommendations of the International Foundation for Election Systems (IFES) to correct voting problems; but it only partially implemented the recommendations, before the elections.

The country has a bicameral parliament consisting of the 389-seat National People's Assembly (lower house) and the 144-seat Council of the Nation (upper house or Senate). All members of the Assembly are elected by popular vote to five-year terms. In the council, two-thirds of the members are elected by the regional assemblies (the Popular Communal Assemblies and the Popular State Assemblies), and the remaining one-third is appointed by the president; all members serve six-year terms, and the constitution requires that half the elected portion of the council and one-third of the appointed portion be replaced every three years. The constitution provides the president with the authority to rule by executive order in special circumstances. In cases when parliament is not in session, the president has the right to legislate by executive order. However, he must submit the executive order to parliament for approval upon its return, first to the Assembly then to the Council of the Nation. If the Assembly disapproves the executive order twice, the president must dissolve the Assembly. Assembly elections were held in 2002, and indirect elections for the Council of the Nation were held in 2003.

The law requires that potential political parties receive official approval from the interior ministry to be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the interior ministry. The government has refused to register two parties: Wafa, because of its perceived ties to the banned FIS party constituted a threat to national security, according to the minister of interior; and the Front Democratique because it received no official response on its registration request. It was unclear why there was no response, but the party leadership claimed the government was not ready for "real democratic openness." No party may use religion, Amazigh heritage, or Arab heritage as a basis to organize for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

In 2003, indirect elections for 48 seats of the Council of the Nation (upper house) were held. For the first time members from Islamic parties were elected to the council.

Thirty-two women served in senior positions in the executive and legislative branches. There were three women in the cabinet: as minister of culture; and as minister delegates for family and female condition, and for scientific research. Women also held 24 of the 389 seats in the Assembly and 4 of the 144 seats in the Council of the Nation. A woman led the Workers' Party, and all the major political parties, except the Islah Party, had women's divisions headed by women during the 2003 legislative elections.

The ethnic Amazigh minority of about nine million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the government. However, Amazigh protests and boycotts surrounding the 2003 and the April 2004 elections underscored the economic and social neglect felt by many in this community, which makes up nearly one-third of the overall population.

Government Corruption and Transparency.—Corruption in the executive and legislative branches of government continued to be a serious problem. There are anti-corruption regulations in the Penal Code that call for prison sentences of up to 2 years and increase progressively up to 10 years' imprisonment for high executives; however, the regulations were not widely implemented.

During the year, President Bouteflika declared publicly that corruption would not be tolerated and launched a nationwide crackdown. On April 26, an Algerian criminal tribunal found Bachir Frik, Wali of Oran and Cheikh Tayeb Laoufi, former Director of the Real Estate Development Agency in Oran guilty of corruption. Both were sentenced to 8 years in prison and fined \$7,065 (500,000 dinars). On the same day, Hacene Baalas, Director of Commercial Real Estate, was sentenced to 5 years in prison and fined \$2,826 (200,000 dinars) for corruption. In addition, on May 10 Ahmed Bouricha, Wali of Blida, was forced to resign his position after being implicated in real estate corruption. He was under investigation at year's end. Customs Director General Sid Ali Lebib reported that since 2001, hundreds of custom officers have been charged with infractions, seven of whom were senior officers. These senior officers were dismissed for corruption and embezzlement, and scores of the other charged customs officers received prison terms of unspecified length.

On January 25, parliament approved an anti-corruption law brought about in part by the requirements of the country's free trade agreement with the European Union. The law established the creation of an organization to oversee the implementation of the national strategy against corruption. Since the initial parliamentary approval

of the law, article seven, which required elected and senior officials to declare their assets and, in certain cases, could lead to the lifting of parliamentary immunity, has been removed. The modification came at the insistence of parliamentarians who argued that the existing penal code was sufficient to punish corruption offenses and that the decision to lift parliamentary immunity should solely reside with parliament.

Lack of government transparency remained a serious problem. For example, parliamentary debate on the proposed corruption law disclosed that 80 percent of government officials did not declare their wealth. Many government economic statistics were not released to the public. However, some ministries have recently established public Web sites containing government information. Some Web sites are better than others; all ministries are now required to establish Web sites and update them on a regular basis.

In August the Ministry of Justice launched two Web sites to inform citizens of their rights. The first Web site lists addresses of all courts and tribunals, a review of current legal news, practical information on ways of obtaining a citizenship certificate, and information on bail, legal assistance and criminal records. The second Web site provides information on Algerian law and legislation, to include draft laws, constitutional rights and amended laws.

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

The government interfered with some domestic and international human rights groups which were trying to investigate and publish their findings. The government continued to harass local NGOs, and impeded the work of international NGOs. While some human rights groups, including the Algerian League for Human Rights and the Algerian League for the Defense of Human Rights, were allowed to move about freely, the most active and visible organizations reported interference by government authorities, including surveillance and monitoring of telephone calls (see Section 1.f.). Domestic NGOs must be licensed by the government and are prohibited from receiving funding from abroad without approval from the minister of solidarity. Approximately 100 unlicensed NGOs operated openly. Some women's advocacy groups and charity organizations for women were not officially recognized but still operated, organizing seminars and distributing pamphlets and other means of support. Although international NGOs continued to experience delays in obtaining visas, outright refusals were rare.

The most active independent human rights group was the Algerian League for the Defense of the Rights of Man (LADDH), an independent organization that had members throughout the country; however, the LADDH was permitted neither access to government officials for human rights advocacy or research purposes, nor to prisons, except for normal lawyer-client consultations.

The less active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. LADH has members throughout the country monitoring individual cases.

During the year, the government took steps to improve access to the country for international NGOs. Visits by international human rights NGOs occurred both at the invitation of the government and independently, although, some NGOs experienced long visa delays. Representatives of Amnesty International, Human Rights Watch, Solidarity Center, International Foundation for Election Systems, Fund for Global Rights, Freedom House, the International Federation of Human Rights Leagues, American Bar Association, Internews, Creative Associates, Arab Civitas, and National Democratic Institute visited throughout the year. Some international NGOs that experienced visa delays due to past critical reports were eventually granted visas.

The ICRC has full access to civilian prisons and pre-trial detention centers; however, it has not been granted access to the country's military or high-security prisons (see section 1.c.).

During the year, the government invited the UN special rapporteur on freedom of expression and the UN special rapporteur on violence against women to visit. However, the government continued to deny requests for visits from the UN Working Group on Enforced or Involuntary Disappearances, the UN special rapporteur on torture, and the UN special rapporteur on extra-judicial executions. The UN rapporteur on the freedom of religion was last allowed to visit in 2002.

The government-established Consultative Commission for the Protection and Promotion of Human Rights is the government's ombudsman for human rights. Directed by Farouk Ksentini, the commission composed of 45 members, 22 of whom belonged to governmental bodies and 23 of whom come from civil society and NGOs. The nongovernmental members included representatives of Islamic religious organi-

zations, the Red Crescent Society, and women's rights advocacy groups. The president approves nominees, and the commission's budget and secretariat come from his office. The commission is mandated to report on human rights issues, coordinate with police and justice officials, advocate domestic and international human rights causes, mediate between the government and the population, and provide expertise on human rights issues to the government.

In 2003, the president announced the creation of a government commission dedicated to the issue of the disappeared and named Farouk Ksentini to head the body, which would serve as an "Ad Hoc Mechanism" between the families of the disappeared and the government (see section 1.b.). Both the CNCPPDH and the Ad Hoc Mechanism were perceived to be government-influenced and not effective, lacking investigative or enforcement powers. Their reports go directly to the president and are not made public. On March 31, Ksentini issued a final report on the "disappeared" to the President; however, the report was not made public, and local and international NGOs were critical of the process. Many of the report's recommendations were incorporated in President Bouteflika's Charter for Peace and National Reconciliation adopted by referendum in September.

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

Although article 29 of the constitution prohibits discrimination based on birth, race, sex, language, and social status, women continued to face legal and social discrimination. Amendments to the Nationality Code and Family Code strengthened women's rights by allowing women to transmit citizenship to a foreign spouse and their children; seek divorce; and retain family property following a divorce.

Women.—Spousal abuse occurred, and in practice was prosecuted under Article 264 of the Penal Code, which states that a person must be incapacitated for 15 days or more and present a doctor's note certifying the injuries before filing charges for battery. Because of societal pressures, however, women frequently were reluctant to endure this process. According to a joint study in 2004 by the Ministry of Justice, women's associations, and the National Institute of Public Health, 70 percent of women who suffered abuse refused to lodge a complaint, or follow through with the complaint.

Spousal abuse was more frequent in rural than urban areas and also more frequent among less-educated persons. Spousal rape also occurred. Prison sentences for non-spousal rape range from one to five years; however, there are no specific laws against spousal rape. There are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were few reports of the law being applied in such cases. However, women's groups have begun to break the taboo of speaking out about violence in the family and held several seminars and conferences during the year.

On January 5, 28 men implicated in the 2001 rape of 39 women in Hassi-Messaoud were tried, and 23 were convicted on the same day. Twenty of the men were convicted in absentia of sexual ill treatment and torture, aggression, forcible entry, and voluntary harm and were sentenced to 20 years; 2 were sentenced to 10 years, and 1 was sentenced to 5 years. The men were originally tried for only theft and aggravated assault; women's groups argued successfully for a change of venue due to influence on the judges, as well as a new trial with the pursuit of rape charges. A sermon by Imam Amar Taleb in 2001 allegedly instigated the attacks. The imam had described the women living on their own in Hassi-Messaoud as women of "easy virtue" and said they should be punished.

SOS Femmes en Detresse and the Wassila Network provided judicial and psychological counseling to abused women. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. Several rape-crisis centers run by women's groups operated, but they had few resources. The Working Women section of the state union, the General Union of Algerian Workers (UGTA), established a counseling center with a toll free number for women suffering from sexual harassment in the workplace. The center receives a growing number of calls. During the year, the center received 970 calls, compared with 942 in 2004.

The law prohibits prostitution; however, prostitution was reported to be a growing problem, according to the National Institute of Public Health.

Article 29 of the constitution provides for gender equality; however, some aspects of the law and many traditional social practices discriminated against women. The Family Code, adopted in 1984 and amended in February by presidential decree, is based in large part on Shari'a. The Family Code prohibits Muslim women from marrying non-Muslims, although this regulation was not always enforced. Amendments made February 22 to the Nationality Code now allow a woman to marry a foreigner and transmit citizenship and nationality in her own right to both her chil-

dren and spouse. The Family Code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. Under the new amendments, women can now seek divorce for irreconcilable differences and violation of the pre-nuptial agreement, among other lesser grounds. In a divorce, the new amendments provide for the wife to retain the family's home until children reach 18 years of age. Custody of the children normally is awarded to the mother, but she may not make decisions on education or take them out of the country without the father's authorization.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, this rarely occurs (about 1 to 2 percent of marriages), and under the amended Family Code, restrictions on polygamy were tightened. Women can now include a "no polygamy clause" in the pre-nuptial agreement, and the husband must obtain a court ruling, usually easy to secure, allowing him to take an additional wife. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

The new amendments to the Family Code in practice vitiated the Shari'a requirement for a male sponsor (*wali*) role and consent to the marriage of a woman, although it has been formally retained. A woman now contracts the marriage, not the *wali*, and she may choose any male that she wishes.

Women suffered from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or that they earn themselves. Married women under 18 years of age may not travel abroad without permission of their husbands. Married women may take out business loans and use their own financial resources.

Despite constitutional and legal provisions providing gender equality, women in practice still faced discrimination in employment. Leaders of women's organizations reported that discriminatory violations are common. In November 2004, the government passed an anti-sexual harassment law for the first time. The punishment for sexual harassment is one to two years imprisonment and a fine of \$685 to \$1,370 (50,000 to 100,000 dinars). The punishment is doubled for a second offense. In the capital, there were at least a dozen of known cases reported in the press. There were several persons convicted during the year under the new law.

Social pressure against women pursuing higher education or a career was greater in rural areas than in major urban areas. Girls have a higher high school graduation rate than boys. While the success rate for boys was 36 percent, it was 38.5 percent for girls. Women made up more than half of the university student population; however, women constituted only between 20–23 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue careers similar to those of men. About 25 percent of judges were women, a percentage that has grown in recent years. During the year, two female magistrates, one appointed by President Bouteflika and one elected by her peers, entered the 18-member High Council of Magistrates. In addition, 55 percent of magistrates are women; the latest class of new judges was 50 percent women; and women serve at all levels in the judicial system.

The main goal of the numerous women's rights groups was to strengthen women's rights in the Family Code.

The Ministry Delegate for the Female Condition and for the Family is a government office ensuring the legal rights of women. During the year, the Ministry of Interior added more women to the police force and placed at least one female officer in each precinct to assist women with their abuse claims.

Children.—The government was generally committed to protecting the welfare, rights, health and education of children. Child abuse is illegal but continued to be a serious problem. Hospitals treated at least 50 cases of child abuse cases during the year, but many cases went unreported because of familial reticence. LaFOREM, an NGO heavily involved with promoting children's rights and development, established the Observatory for Children's Rights, which tracked abuse claims and offered psychological assistance in abuse cases. As a result, more cases of child abuse and pedophilia were reported. NGOs that specialized in care of children cited continued instances of domestic violence aimed at children, which they attributed to the "culture of violence" developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. In April a government office reported that in 2004, approximately 4,554 children younger than 16 were abused, of whom 2,306 were hospitalized for injuries

stemming from abuse, 1,386 were victims of sexual abuse, and 53 were victims of incest.

Children continued to be victims of terrorist attacks. On April 7, three GIA terrorists stopped five vehicles at a false road block near Larbaa. The terrorists robbed and shot the occupants of the vehicles, killing seven children. In April, two children and their mother were killed by a homemade bomb.

The government provides free education for children through high school. Free education is compulsory until the age of 16. The most recent figures released by the Ministry of National Education show that in 2004, more than 90 percent of children completed the ninth grade, on average the highest grade level normally attained by students. Boys and girls generally received the same education, although rural girls were slightly more likely to leave school because of familial financial reasons, and sons were often given educational priority.

The government provided free medical care for all citizens, albeit in often rudimentary facilities.

Economic necessity compelled many children to resort to informal employment, such as street vending (see section 6.d.).

Trafficking in Persons.—The law does not prohibit trafficking in persons, and such practices reportedly occurred. The government did not acknowledge trafficking to be a problem. According to the government, in the absence of specific anti-trafficking laws, other laws against illegal immigration, prostitution, and forced labor are used to enforce anti-trafficking standards. No indications existed of official government involvement in trafficking.

According to media reports and a local NGO, forced prostitution and domestic servitude of illegal immigrants from West Africa occurred as immigrants transited through the country seeking economic opportunity in Europe. Official statistical estimates of the severity of trafficking do not exist. No government assistance programs existed for victims, nor did any information campaigns about trafficking. However, several NGOs promoted anti-trafficking campaigns.

Persons with Disabilities.—The government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a legal requirement to reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some healthcare-oriented NGOs received limited government financial support.

Section 6. Workers Rights

a. The Right of Association.—Workers are required to obtain government approval to form a union, and the government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union. About two-thirds of the labor force belonged to unions. Only a single labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities existed. The UGTA includes national unions that are specialized by sector. The law on labor unions requires the labor ministry to approve a union application within 30 days and allows for the creation of autonomous unions, other than those affiliated to UGTA.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace. Although unions may form and join federations or confederations, in practice, attempts by new unions to form federations or confederations have been obstructed by delaying administrative maneuvers. Since early 1996 the Autonomous Unions Confederation has attempted unsuccessfully to organize the autonomous unions, and it functioned without official status. The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions. However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engaged in illegal activities.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to strike, and workers exercised this right in practice, subject to some conditions. The law provides for collective bargaining for all unions, and the government permitted the experience of this right in practice for authorized unions. Under the state of emergency, the government can require public and private sector workers to remain at work in the event of an unauthorized or illegal strike. According to the law on industrial relations, workers may strike only after 14 days of mandatory concilia-

tion or mediation. The government on occasion offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

The law provides that all public demonstrations, protests, and strikes must receive prior government authorization. Strikes and labor gatherings occurred throughout the year in various sectors, including the construction, medical, port facility, education, and customs sectors. The 2001 ban on marches, as well as demonstrations, in Algiers remained in effect.

Although the teachers' union Council of Algiers' High Schools and the Autonomous National Council of Secondary and Technical Teachers submitted proper documentation to form a union in 2003, both were still considered illegal unions.

The National Independent Union of Public Administration Personnel (SNAPAP) is an independent union not affiliated with the government. In March, SNAPAP women's group was harassed prior to a meeting in a government building in Annaba. The group held the meeting but maintained that the government censored the planned telecast of the event.

In May 2004, some members of SNAPAP accused the government of staging fraudulent elections to replace the group's secretary general, the third attempt at such a replacement since 2001. The opposing candidate announced, without prior notice, plans for the election to only a few members during a general session. The absent members, who constituted most of the membership, were effectively prevented from casting ballots. Government security personnel were at the election site when the few members present voted the new candidate into office. The Ministry of Interior, which normally does not take positions regarding the leadership of independent unions, issued an official notification informing SNAPAP that the new secretary general was the duly elected candidate. Some members of SNAPAP maintained that the government has involved itself illegally in the group's internal affairs. Thirty-six members of SNAPAP claimed that they have been harassed, intimidated, or involuntarily detained by the government.

In 2004, the International Labor Organization Committee of Experts requested the government take steps through legislation to ensure that no provisions of Legislative Decree 92-03 were applied against workers peacefully exercising the right to strike. The decree defines subversive acts, or acts of terrorism, as those offenses directed against the stability and normal functioning of institutions by any action taken with the intent of "obstructing the operation of establishments providing public service" or of "impeding traffic or freedom of movement in public places." The government did not act, claiming that the decree was not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully.

The government eliminated free trade zones in November 2004; labor laws now apply equally throughout the country.

c. Prohibition of Forced or Compulsory Labor.—Forced or bonded labor is prohibited by the constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or compulsory labor by children. The government generally enforced the ban effectively.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF last reported in 2003 that approximately 3 percent of children worked in some capacity. No child labor was reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment. Many children worked part time or full time in small workshops, on family farms, and in informal trade. A report from the Ministry of National Solidarity in 2004 stated that more than 25,000 children between the ages of 6 and 14 were working in the informal economy. However, this study was carried out in less than half the provinces of the country.

e. Acceptable Conditions of Work.—The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The monthly minimum wage was insufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately \$138 (10,000 dinars) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard workweek was 37.5 hours. Employees who worked beyond the standard workweek received premium pay on a sliding scale from “time-and-a-half” to “double time,” depending on whether the overtime was worked on a normal work day, a weekend, or a holiday.

There were well-developed occupation and health regulations codified in the law, but government inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally was based on very detailed contracts, workers rarely were subjected to conditions in the workplace about which they were not previously informed. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract and, that failing, resort to the courts; however, the high demand for employment in the country gave the advantage to employers seeking to exploit employees.

BAHRAIN

Bahrain is a monarchy ruled by the Al-Khalifa family since the late 18th century, with a population of approximately 710 thousand. King Sheikh Hamad Bin Isa Al-Khalifa governs the country. His son, Crown Prince Sheikh Salman Bin Hamad Al-Khalifa, is heir apparent; and his uncle, Sheikh Khalifa Bin Salman Al-Khalifa, is prime minister. The king appoints a cabinet of ministers to help him run the government. Members of the Al-Khalifa royal family occupy about half of the cabinet positions, including all strategic ministries. In 2002, the government adopted a constitution that reinstated a legislative body with one elected chamber, the Council of Representatives (COR), and one appointed chamber, the Shura Council. Also in 2002, citizens selected representatives to the COR in free and fair multiparty elections. The constitution provides that the king is head of the executive, legislative, and judicial branches of the government. Civilian authorities generally maintained effective control of the security forces.

The following human rights problems were reported:

- inability to change the government
- political parties prohibited
- impunity
- restrictions on civil liberties—freedoms of speech, press, assembly, and association
- lengthy pretrial detention
- lack of judicial independence
- allegations of corruption in the judicial system
- discrimination based on gender, religion, sect, and ethnicity
- infringement of citizens’ privacy rights
- restrictions on freedom of religion and of movement
- violence against women
- trafficking
- restrictions on labor rights

For the first time, the government allowed a local human rights organization to inspect prison conditions.

RESPECT FOR HUMAN RIGHTS

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

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

On February 28, the Civil High Court of Appeal upheld the April 2004 lower court judgment ordering the Ministry of Interior (MOI) to pay \$105,000 (40,000 dinars) to the family of a 21-year-old citizen killed in a demonstration in April 2002.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment.

At the end of November, Musa Abd Ali, a 24-year-old Shi’a activist with the “Committee of the Unemployed” filed a complaint with police alleging that in the early hours of November 28 plainclothes security personnel abducted him from his home,

beat him severely, assaulted him sexually, and threatened him with further harm unless he ceased his activities on behalf of the Committee of the Unemployed (see section 2.a.). A private doctor could not confirm evidence of a beating during the timeframe alleged by Abd Ali, nor evidence of sexual assault. Following the doctor's conclusions, Abd Ali changed his allegation to attempted sexual assault. Ministry of Interior officials stated publicly and privately that the government had no knowledge of nor involvement in the incident and, after completing an investigation, referred the case to the Attorney General's office. On December 13 Abd Ali withdrew his cooperation with the investigating authorities, after inconsistencies developed in his allegations.

There were no known instances of officials being punished for human rights abuses committed either during the year or in any previous year. Controversy continued over impunity for alleged torturers which the government maintained was granted by the 2001 general amnesty. In May, the Bahrain Human Rights Society (BHRS) and the dissolved Bahrain Center for Human Rights (BCHR) in cooperation with the National Committee for Martyrs and Victims of Torture (NCMVT) briefed the UN Committee Against Torture on their concerns. They focused on impunity for acts of torture committed prior to 2001; rejection by courts of all cases lodged against alleged torturers and of all requests for compensation; and the absence of redress and rehabilitation mechanisms for victims of torture.

Prison and Detention Center Conditions.—Prisons in the country generally met international standards, although the BHRS conducted an investigation of one prison during the year and its findings were not yet released at year's end.

On June 4, the MOI granted the BHRS permission to inspect Jaw men's prison and report on conditions in the prison. In August, the MOI reportedly refused a request from opposition political society Al-Wifaq to inspect prisons because it said only officially sanctioned human rights organizations were allowed to conduct such inspections. A team of 15 members of BHRS, including doctors, psychologists, lawyers and academics, visited Jaw prison on December 24 and December 31. Over the two visits the team met with 15 percent of the over 450-person inmate population and with members of the prison staff. The warden provided the team with access to all prisoners including to two inmates on death row. Members of the BHRS met with specified individuals and chose others at random. Under an agreement between the BHRS and the MOI, the BHRS was not free to discuss its findings until it releases a final report early in 2006.

Although the BHRS has not yet inspected the women's prison, reports indicate that female prisoners were housed in similar conditions as men. Juveniles were housed separately from adults until the age of 15. In April 2004, the Ministry of Social Development announced plans to open a separate center for the care of juvenile delinquents, but it had not yet done so by year's end. In August 2004, content of International Committee of the Red Cross (ICRC) discussions with government officials and NGOs was not made public.

The findings of a 2003 joint parliamentary and MOI Commission to investigate claims of prisoner beatings and mistreatment were still not made public by year's end.

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

Role of the Police and Security Apparatus.—The MOI is responsible for public security. It controls the Public Security Force and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats and also monitors internal security. There were no reports of corruption within the MOI and the BDF, although corruption was difficult to assess given the lack of transparency in activities and budgets.

There continued to be no known instances of police officers being punished for human rights abuses committed during the year or in any previous year.

In a May 31 decision, the appellate court acquitted Abdul Raouf Al-Shayeb, president of the NCMVT, of charges of indecency and un-Islamic behavior. Al-Shayeb had been convicted of these charges on February 25 and sentenced to two months in jail. In March 2004, police had arrested him days before his group planned to demonstrate against Law 56, the government decree that gives impunity to past and present government officials responsible for serious human rights abuses. He was denied legal representation for the five days he was detained in jail. The government also released his name and the nature of the case to the local press, violating its own laws on releasing such information in alleged vice cases. Other than his initial five-day detention in 2004, Al-Shayeb did not serve any time in prison.

In May 2004, King Hamad ordered an investigation into police conduct during a demonstration the previous day in which two civilians were injured by rubber bullets. Results of the investigation were not issued by the end of the year (see section 2.b.). There were no reports of investigations of reported police misconduct during demonstrations in June, July, and November in which demonstrators were reportedly beaten.

According to the MOI, its Disciplinary Court convicted three police officers in 2004 for criminal activities of property theft and disobedience. The press reported on a number of cases of police officers facing charges for various crimes, including theft, during the year.

Arrest and Detention.—Police must inform a misdemeanor suspect of the charges against him and transfer him to the Public Prosecutor's Office within 48 hours of arrest. A felony suspect must be charged and transferred to the Public Prosecutor's Office immediately. Within seven days of his arrest a detainee must appear before a judge in the Public Prosecutor's Office to determine the viability of continued detention regarding the case. If the judge decides the suspect is a flight risk or is a danger to society, he may rule for continued detention up to a maximum of 45 days while the investigation is carried out. At the end of 45 days the case must be reviewed by a second judge who may rule for continued detention up to a maximum of 45 days. This process may continue through reviews by a third and fourth judge, but detention may not exceed six months. According to the BHRS, although there are occasional reports of detention for up to one year, these reports are not common. Detainees are allowed prompt access to visiting family members.

There were no reports of individuals being detained arbitrarily or secretly without a warrant.

Judges may grant bail to a suspect and do so regularly.

The Ministry of Justice is responsible for the assignment and management of public prosecutors, while the MOI oversees security and all aspects of prison administration. Detainee access to attorneys was often restricted in the early stages of detention, attorneys must seek a court order to confer with clients. The state provides counsel if the defendant cannot afford to hire an attorney. After conviction, attorneys require the prison director's permission to visit a client in jail.

Jaw prison housed convicted, sentenced prisoners only. According to a BHRS official who conducted visits with inmates at Jaw prison in December, prisoners who describe lengthy pretrial detention up to nine months refer to trials for additional crimes for which they are to be tried while they are serving out a current sentence.

There were no reports of political detainees.

e. Denial of Fair Public Trial.—The constitution provides for a nominally independent judiciary; however, the judiciary was not independent, and courts were subject to government pressure regarding verdicts, sentencing, and appeals. The constitution provides that the king appoint all judges by royal decree. The king also serves as chairman of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the public prosecution. The constitution does not provide a legislative branch confirmation process for judicial appointees nor does it establish an impeachment process.

The country's legal system is based on a mix of British Common Law, Shari'a (Islamic law), tribal law, and other civil codes, regulations, and traditions. The judiciary is organized into two separate branches: the civil law courts and the Shari'a courts.

The civil law courts adjudicate all civil and commercial cases, and all personal status cases involving non-Muslims. The Courts of Minor Causes (the Lower Courts and the Court of Execution) have one judge with jurisdiction over minor civil and commercial disputes. The High Civil Court has three judges with jurisdiction over larger civil and commercial disputes and personal status cases involving non-Muslims. Three judges hear appeals at the Civil High Court of Appeal. The criminal law courts adjudicate criminal cases. The Lower Criminal Court has one judge and rules on misdemeanor crimes. The High Criminal Court has three judges and rules on felonies. Appeals are made to the Criminal High Court of Appeal, which also has three judges. Both the civil and criminal court systems have a Supreme Court of Appeal (Court of Cassation), the final appellate court.

The Shari'a (Islamic law) courts have jurisdiction over personal status cases involving citizen and non-citizen Muslims. There are two levels: the Senior Shari'a Court and the High Shari'a Court of Appeal. At each level is a Sunni Maliki Shari'a Court with jurisdiction over all personal status cases brought by Sunni Muslims, and a Ja'afari Shari'a Court with jurisdiction over cases brought by Shi'a Muslims. The High Shari'a Court of Appeal is composed of a minimum of two judges. In the event of a disagreement, the Ministry of Justice provides a third judge, and the deci-

sion is based on a majority vote. There are 11 judges in the Sunni Maliki Shari'a courts and 12 judges in the Shi'a Ja'afari Shari'a courts.

The 2002 constitution established the Constitutional Court to rule on the constitutionality of laws and statutes. The Court's membership consists of a president and six members, all appointed by the king. These seven judges serve nine-year terms and cannot be removed before their terms expire. The king may present draft laws to the court to determine their constitutionality. The court's determination is final and "binding on all state authorities and on everyone," according to the constitution.

The Bahrain Defense Force maintains a separate court system which only tries military personnel accused of offenses under the Military Code of Justice. The MOI has a similar system for trying police officials. There were no reports of either court considering cases involving civilian, common criminal or security cases.

Trial Procedures.—Civil and criminal trial procedures provided for an open trial, the right to counsel, and the right to appeal. Juries are not a part of the judicial system. Reports continued alleging lack of access to a fair trial. However, an extensive judicial reform program has led to increasing transparency in the process, according to an international NGO familiar with the program.

Defendants may choose their own attorneys. If they are unable to afford a private attorney, defendants may ask the Ministry of Justice to appoint an attorney to represent them in court. There were allegations of corruption in the judicial system.

In 2003, a citizen lost custody of her two children in a Shari'a court, and her appeal was denied by the original judge. In January 2004, the Shari'a court overturned its 2003 decision and granted custody of the children to their maternal grandmother. The children's father then filed a verbal abuse case against human rights activist and head of the Women's Petition Committee, Ghada Jamsheer, who was involved in the custody battle. On June 28, Jamsheer was cleared of all charges.

From 2001–03, nine Shari'a court judges filed three defamation cases against Ghada Jamsheer. Trials for the three cases began in January. On June 26, the High Criminal Court dropped one of the cases, saying that the public prosecution should have tried the cases within three months after they were filed. On September 26, Jamsheer told the press that she had received a letter two weeks earlier from five of the Shari'a Court judges stating that they had withdrawn all three cases filed against her. However, the public prosecutor's office said it would still try the cases. Amnesty International (AI) and Human Rights Watch (HRW) expressed concern that the cases were brought against Jamsheer for her involvement in human rights activities. On December 13 and 28, in the second and third cases, Jamsheer was found not guilty.

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

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution provides for freedom from arbitrary interference with privacy, home, and correspondence except under the provisions of the law and under judicial supervision; however, the government continued to infringe on citizens' right to privacy. The government carried out some illegal searches. Telephone calls and personal correspondence remained subject to monitoring (see section 2.a.). Police informer networks were extensive and sophisticated.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but the government placed limitations on the exercise of these rights. The election law prohibits speeches at most public locations and limits the areas where campaign materials can be placed.

In 2002, the king decreed a press law. The government began implementing the law but later "froze" it due to a public outcry. Although suspended, the law was enforced at the government's discretion. The suspended press law provides for restricted freedom of speech and press. The law provides for prison sentences in three general categories of offenses: criticizing the state's official religion; criticizing the king; and inciting actions that undermine state security. In addition, the law allows fines up to \$5,225 (2,000 dinars) for 14 other offenses, including publicizing statements issued by a foreign state or organization before obtaining the consent of the minister of information; publishing any news reports that may adversely affect the value of the national currency; reporting any offense against the head of a state that maintains diplomatic relations with Bahrain; or publishing offensive remarks towards an accredited representative of a foreign country because of acts connected with the person's position.

Local press coverage and commentary on international issues was open, and discussion of local economic and commercial issues also was relatively unrestricted.

Newspapers covered opposition politics in detail and also published Friday mosque sermons, both Shi'a and Sunni, even when critical of the government. However, there was both censorship and self-censorship. Representatives from the Ministry of Information actively monitored and blocked local stories on sensitive matters, especially those related to sectarianism, national security, or criticism of the royal family, the Saudi royal family, and judges. At the same time, newspaper coverage of a wall built illegally by a senior royal family member in a Shi'a village resulted in the government ordering the wall's removal. Public demonstrations over foreign policy, unemployment, personal status laws, housing shortages, human rights abuses, and other issues were covered in the print media but not always on government-owned television. Radio and television broadcasts in Arabic and Farsi from countries in the region were received without interference.

In private settings, individuals openly expressed critical opinions regarding domestic political and social issues. There was also some freedom of discussion on the Internet (chat rooms, discussion forums, individual web logs), in letters to the editor, and occasionally on state-run television call-in shows.

The government owns and operates all local radio and television stations. In 2004, the government lifted its ban on correspondents from the Qatar-based Al-Jazeera satellite television channel, but maintained control over the selection of the locally-based correspondent. Al-Jazeera was available in the country via satellite.

The Ministry of Information exercised considerable control over privately owned local print media. The most independent of the country's newspapers, *Al-Wasat*, was subject to occasional government harassment. In 2003, Dr. Mansour Al-Jamry, editor-in-chief of *Al-Wasat*, was interrogated, fined, and sentenced for allegedly publishing sensitive information about an ongoing investigation of a locally-based terrorist cell. Al-Jamry appealed his case to the Constitutional Court, arguing that laws 42, 46, and 47, which deal with judicial authority, criminal procedure, and the press, were unconstitutional, and in May 2004 the High Criminal Court judge referred Al-Jamry's case to the Constitutional Court. The Constitutional Court upheld the constitutionality of the three laws and sent the case back to the High Criminal Court. At year's end, the case was still pending.

In 2003, Radhi Mouhsin Al-Mousawi, editor-in-chief of *The Democrat*, a newsletter published by the National Democratic Action Society, appeared before the High Criminal Court on charges of impropriety, breach of trust, fraud, and forgery of a written document after writing an article about corruption in the tourism sector and making allegations against an unnamed tourism inspector. Al-Mousawi also argued his case before the Constitutional Court, claiming that discrepancies in the procedural enactment of the press, judicial, and criminal laws made them unconstitutional. The Constitutional Court rejected Al-Mousawi's case. The High Criminal Court resumed the tourist inspector's defamation case against Al-Mousawi in September 2004. On September 28, the court acquitted Al-Mousawi of all charges (see section 5).

In February, the High Civil Court rejected the BCHR's appeal, and on June 14 an administrative court upheld the High Civil Court's decision. In September 2004, police had arrested Abdulhadi Al-Khawaja, former director of the BCHR, for criticizing and insulting Prime Minister Sheikh Khalifa (the king's uncle) at the Al-Aruba Club during a presentation on poverty. Al-Khawaja accused the prime minister of squandering public money and blocking key economic and social reforms. Shortly thereafter, the government temporarily closed Al-Aruba Club and dissolved the BCHR. In November 2004, Al-Khawaja was sentenced to one year in prison for violating Article 165 (inciting hatred against the regime) and Article 168 (spreading rumors that could undermine state security) of the Penal Code, but was ordered released by the king just hours after sentencing. The BCHR challenged its closure in court and continued to conduct activities. On May 31, the minister of social development warned the dissolved center to cease all activities or face prosecution. The center remains dissolved and its activities banned, although the government has tolerated some human rights activities of some former BCHR members.

The government restricted use of the Internet. A government-controlled proxy prohibited user access to Internet sites considered to be anti-government or anti-Islamic; dedicated, users often circumvented these restrictions, but access to a number of Web sites was impeded for most users. E-mail use was reportedly unimpeded, although it was monitored (see section 1.f.). More than one-third of the population used the Internet, with approximately 140,000 web-based e-mail accounts.

Between February 27 and March 1, authorities arrested three Web site administrators on charges of inciting hatred against the regime and spreading false rumors that could undermine state security, and held them for 15 days. Their Web site, www.bahrainonline.org, had been blocked by the government for several years. Supporters of the administrators held a number of demonstrations against the deten-

tions. The three detainees went on a hunger strike for several days. On March 14, the government released the three men, but prohibited them from traveling. They continued to face charges with a maximum sentence of six years in prison.

In April, the Ministry of Information launched a six-month campaign to register all Bahraini Web sites. Under the new government regulations, Web site administrators face the same libel laws that apply to print journalists, and Web masters are held jointly responsible for all of the content posted on their websites or chat rooms.

On February 22, Ghazi Mohamed was arrested and charged with “provoking and urging enmity of the system” for displaying a banner on his car on which was written “No to 2002 Constitution, Yes to 1973 Constitution.” He was released on \$135 (50 dinars) bail the same day he was detained. The case was later dismissed.

From 2001–2003, three Shari’a court judges filed three defamation cases against the head of the Women’s Petition Committee, Ghada Jamsheer. The judges alleged that Jamsheer had allegedly used foul language, insulted them and accused one of the judges of hiring prostitutes. On June 26, the High Criminal Court dropped one of the cases, saying that the Public Prosecution should have tried the cases within three months after they were filed. On December 13 and 28, in the second and third cases, Jamsheer was found not guilty (see section 1.e.).

Academic freedom was limited, although there were no formal regulations. Academics avoided contentious political issues, and the University of Bahrain did not have a political science program. The university’s hiring and admissions policies favored Sunnis and others who were assumed to support the government. A few Shi’a professors, including women, were hired, yet reportedly only approximately 40 percent of the professors were Shi’a. The proportional representation of Shi’a students was estimated to be approximately that of the Shi’a in the general population.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—Although the constitution provides for the right of free assembly, the law restricts the exercise of this right. The law requires organizers to notify the MOI 72 hours before a public gathering or demonstration takes place and the law prohibits unauthorized public gatherings of more than five persons.

Scores of demonstrations occurred throughout the year, including many that were not approved by the government and in which the government did not intervene. There were allegations that the MOI told the owners of venues to close their premises to prevent meetings from occurring, but it was not possible to determine the number of times this happened. The MOI reported that in the period between July 2004 and May 2005, there were 180 demonstrations, rallies, and sit-ins, the vast majority of which related to domestic issues such as unemployment, housing, and other social issues. Statistics between May and the end of the year were not available.

The Political Rights Law of 2002 regulates election campaigns and prohibits “election meetings” at worship centers, universities, schools, government buildings, and public institutions (see sections 2.c. and 3.). The government periodically limited and controlled political gatherings. On February 10 a second constitutional conference was held, but only representatives of the four political societies that had boycotted the 2002 elections attended. The media reported that several other political societies were involved in the early planning for the conference, including Al-Minbar (Muslim Brotherhood) political society. However, disagreements over the agenda and the perception that the boycotting societies would not accept the views of the others resulted in Al-Minbar and the other political societies voluntarily withdrawing their participation in the conference. There were allegations that the police confiscated posters and banners advertising the conference.

In April 2004, the press reported that the Ministry of Social Development sent letters to the four main opposition political societies threatening legal action if they followed through with their plan to hold a popular petition drive calling for the rejection of the 2002 constitution (see section 3). The minister of social development had previously made public announcements that such action by the societies violated Article 29 of the 1989 Societies Law, which states that only duly constituted organizations and corporate bodies may address public authorities collectively. The four societies held the petition drive in late April. During the event, police stormed the signature-collection stands and arrested 17 petitioners. Fourteen of those detained were released immediately while the other three were released on bail in early May 2004. The case was later dismissed for lack of evidence.

On March 25, opposition political society Al-Wifaq held a rally that the government had banned. The demonstration was peaceful and the police did not intervene. In a subsequent meeting with the minister of social development, Al-Wifaq was warned not to defy government decisions on demonstrations.

Throughout the year, the National Committee for the Unemployed staged numerous rallies calling on the government to find solutions to Bahrain's unemployment problem. As the Committee is not registered with the government, it cannot legally organize activities. (Public advocacy groups are not permitted to register as a civil society group if the government decides that the group is involved in political activities. The definition of political activities is not clear and is open to interpretation by government officials. If unable to register as a civil society group under the Ministry of Social Development, the group must register, if it meets the qualification requirements, as a political society under the Ministry of Justice.) The government warned the Committee on several occasions against holding unauthorized events, and two of its demonstrations turned violent. On June 19, police clashed with approximately 50 representatives of the Committee. According to the press, five protesters sustained injuries that required hospital treatment. Several police officers were also injured. The government did not punish or prosecute demonstrators in this case.

On July 15, 100–150 protesters gathered in Manama with plans to throw rotten food at the parliament building to protest the recently-passed budget because it lacked unemployment benefits. According to the press, police blocked the protesters' path and a confrontation broke out between the security forces and protesters. Ten to twenty protesters and one police officer reportedly suffered injuries. Among the injuries sustained by the protesters included deep welts, broken bones, and back problems. The government did not punish or prosecute anyone in this case.

On December 25 Shaikh Mohamed Al-Sanad was detained upon his return from Qom, Iran. Approximately three weeks earlier Shaikh Al-Sanad's office in Qom had released a statement questioning the legitimacy of the Bahraini government regime and calling for a repeat of a UN referendum conducted in 1971 concerning Bahrain's independence. As Shaikh Al-Sanad was being held at the airport, a group of 100–300 protesters gathered in the airport arrival lounge. Riot police were deployed and clashes between protesters and riot police ensued. Protesters threw airport furniture, resulting in damage to airport facilities. Several individuals were detained but were released within hours. Several days later 21 individuals were rearrested and charged for their involvement in the events at the airport. At the end of the year their cases were ongoing.

Freedom of Association.—The constitution provides for the right of free association; however, the government limited this right. The government does not allow the formation of political parties, though it has authorized political societies through the new Political Societies Law of July to run candidates and participate in other political activities (see section 3).

The 1989 Societies Law prohibits any activity by an unlicensed society and any political activity by a licensed civil society. The law provides the Ministry of Social Development the right to reject the registration of any society if its services are deemed unnecessary to society, are already being provided by another society, are contrary to state security, or are aimed at reviving a previously dissolved society.

The ministry has permitted several NGOs, including human rights organizations, to conduct political activities.

In September 2004, the Ministry of Labor and Social Affairs, now the Ministry of Social Development, dissolved the Bahrain Center for Human Rights (BCHR) after it held a seminar on poverty in which a BCHR member criticized the prime minister (see section 2.a).

c. Freedom of Religion.—The constitution provides for freedom of religion; however, the government placed limitations on the exercise of this right. The constitution declares Islam as the official religion, and all other religious groups must obtain a permit from the Ministry of Islamic Affairs in order to operate and hold religious meetings. Depending on a group's activities, it may also need approvals from the Ministry of Social Development, the Ministry of Information, and/or the Ministry of Education. There are numerous Christian churches of different denominations, four Sikh temples, and several official and unofficial Hindu temples located in Manama and its suburbs. The only synagogue has been closed since 1948.

The government funds, monitors, and subjects all official religious institutions to some controls. These include Shi'a and Sunni mosques, Shi'a *ma'tams* (religious community centers), Shi'a and Sunni *waqfs* (charitable foundations), and the religious courts, which represent both the Ja'afari (Shi'a) and Maliki (Sunni) schools of Islamic jurisprudence. The government may appropriate or withhold funding in order to reward or punish particular individuals or places of worship although reports of this were not common. There were no reported closures of mosques or *ma'tams* during the year.

Sunni and Shi'a waqfs made funding decisions for new mosque construction. Although both Sunni and Shi'a waqfs were reportedly well-endowed and were able to fund mosque construction, new mosques were dependent upon government approval of land allocation. The government's approval of land allocation for mosques was not transparent and reportedly not proportionate to Sunni and Shi'a communities relative to their populations in the country.

The government rarely interferes with what it considers legitimate religious observances. The government permitted public religious events, most notably the large annual two-day national Shi'a holiday of Ashura, but police closely monitored these gatherings. The king ordered the Ministry of Information to provide full media coverage of Ashura events. There were no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and to holy sites in Iran, Iraq, and Syria. The government monitored travel to Iran and scrutinized carefully those who chose to pursue religious study there.

The vast majority of those who attend Christian churches were expatriates. Events at churches occur frequently and are advertised regularly in the English press, including the hosting of guest speakers from many countries.

The Political Rights Law of 2002 forbids election speeches in worship centers, but political sermons continued (see sections 2.b. and 3). Proselytizing by non-Muslims is illegal and the government prohibited anti-Islamic writings; however, Christian publications, including Bibles, were sold openly. Religious tracts of all branches of Islam, cassettes of sermons delivered by sheikhs from other countries, and publications of other religions were readily available. Christian pastors were permitted to provide literature to Christian inmates and to prison libraries.

Although the Rifaa region constitutes approximately 40 percent of the country's landmass and has numerous Sunni mosques, in April 2004 the Royal Court denied an application for a Shi'a mosque declaring that land in Rifaa cannot be allocated for commercial enterprises.

Thirteen Christian congregations were registered with the government, operated freely, and allowed other Christian congregations to use their facilities.

Since 1950, the Mar Thoma Syrian Church of Malabar has sought land from the Ministry of Islamic Affairs to build a church and to hold religious services. Though Mar Thoma is registered with the government, the ministry has still not responded to the church's formal applications. The National Evangelical Church allows Mar Thoma's congregation to use its facilities for early morning services; however, the facility can only accommodate half of Mar Thoma's congregation at any time.

The Ministry of Islamic Affairs has repeatedly denied a Baha'i congregation a license to function. The ministry views Baha'ism as an inauthentic offshoot of Islam and blasphemous, and it therefore refuses to recognize the congregation. The Baha'i congregation continued to practice its faith without government interference.

Societal Abuses, Discrimination and Anti-Semitism.—Discrimination against the majority Shi'a population remained a problem. Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. The royal family is Sunni, and the defense and internal security forces were predominantly Sunni. Shi'a citizens were allowed to hold posts in these forces, though not positions of significance.

In private conversations and in Internet forums, whose contents would not be permitted in the mass media, Shi'a consistently complained of discrimination, especially in public sector jobs and positions at the university. Although the percentage of Shi'a students was close to the relative Shi'a population in the country, only about 40 percent of university faculty was Shi'a. In the private sector, Shi'a citizens were employed in lower paid, less skilled jobs. While Shi'a acknowledged that the situation was improving slowly, they still compose a disproportionately high percentage of the country's unemployed. The government initiated programs during the year to improve employment prospects for citizens. Educational, social, and municipal services in most Shi'a neighborhoods, particularly in villages, were inferior to those found in Sunni urban communities.

Fewer than 50 Jewish persons reside in Bahrain, and one Jewish citizen served in the Shura Council. No acts of physical violence or harassment of Jewish persons or community institutions took place. The government has not enacted any laws protecting the right of Jews to religious freedom; however, it has not interfered with their religious freedom. The government makes no effort to specifically promote anti-bias and tolerance education. Some anti-Semitic political commentary and editorial cartoons appeared, usually linked to the Israeli-Palestinian conflict.

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 constitution prohibits restrictions on freedom of movement, except as provided by law and judicial supervision. Banishment and prevention of return are prohibited. Citizens were free to move within the country and change their place of residence or work.

The 1963 Citizenship Law provides that the government may reject applications to obtain or renew passports for reasonable cause, but the applicant has the right to appeal such decisions before the High Civil Court. A non-citizen resident may obtain a travel document, usually valid for two years and renewable at the country's embassies overseas. The holder of a travel document also requires a visa to reenter the country.

The constitution permits the government to revoke citizenship only in the cases of treason and other such cases "according to the law." The government has not revoked the citizenship of any person under the 2002 constitution.

Opposition groups claimed that the naturalization process was politically driven to manipulate demographics for voting purposes and to keep Shi'a out of the police and defense forces, which are allegedly dominated by naturalized Sunnis from foreign countries. Although naturalization requirements and process are clearly defined, they were not applied impartially, and adjudication of naturalization applications was not transparent. The government reportedly was more lenient with naturalization requests from expatriates in the security forces. Shi'a and non-Arab applicants reportedly experienced longer delays in the processing of their cases. The government complied with a 2003 parliamentary committee's request for official naturalization data. Though the government required the committee to keep personal data confidential, the committee published the statistics in the press (see section 5). The government occasionally granted citizenship to Sunni residents from neighboring countries. The government stated that some of the Saudis who had received citizenship were the grandchildren of Bahraini citizens who had immigrated to Saudi Arabia. According to the country's nationality law, these persons have a legal right to citizenship.

The constitution prohibits forced exile, and there were no reports of forced exile during the year. In May 2004, the Royal Court granted 34 citizens living in exile the right to return to the country.

Forty-four former exiles and prisoners who were pardoned in 2001, a number of whom are senior clerics, claimed that they are unable to travel in the region because they remain on blacklists. They alleged that in 1995 the MOI submitted their names to governments in neighboring countries, and that the ministry did not ask to have their names removed from blacklists after they were pardoned. The government denied that pardoned individuals remain on blacklists and reportedly sent letters to governments in the region inquiring about these persons. Although these individuals did not experience any difficulty departing Bahrain, in some cases destination countries refused entry to them. In other cases individuals have been granted entry after contact was made with Bahraini officials.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. 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 protection against *refoulement*, the return of persons to a country where they fear persecution.

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

Citizens do not have the right to change their government or their political system; however, the constitution provides for a democratically elected Council of Representatives, the lower house of parliament. The king appoints the prime minister, who then proposes cabinet ministers who are appointed by the king. Members of the royal family held all strategic cabinet ministry positions.

The bicameral National Assembly consists of the 40-member popularly elected Council of Representatives (COR) and the 40-member appointed Shura (Consultative) Council. The Cabinet's Office of Legal Affairs drafts the text of laws, not the COR or the Shura Council. The king may veto laws passed by the National Assembly, which in turn may override a veto by a two-thirds majority vote. If the legislature overrides a veto, the king must promulgate the law within one month. No veto has been exercised and no law has been enacted that was proposed by a member of the legislature since the constitution was adopted.

The king may dissolve the COR at his discretion, and he retains the power to amend the constitution and to propose, ratify, and promulgate laws. Either council may question government ministers, and the COR may pass a two-thirds majority

vote of no confidence requiring a minister's resignation. The COR may also introduce a resolution indicating it cannot cooperate with the prime minister. The entire National Assembly would then have the option to pass the resolution by a two-thirds majority that would require the king to either dismiss the prime minister or dissolve the COR. The situation of a no-confidence vote has not arisen since the constitution was adopted.

Elections and Political Participation.—In 2002, the country held its first national elections in nearly three decades. Fifty-three percent of eligible voters elected the 40 members to the Council of Representatives, who shared legislative powers with the king and the Shura Council. The country also elected 10 members to each of 5 advisory municipal councils. Five appointed governors and the Ministry of Municipal Affairs oversee and control most of municipal functioning.

There were no government candidates in the 2002 elections. The Political Rights Law and the Election Law, both promulgated in 2002, restrict the freedoms of speech and association (see sections 2.a. and 2.b.). Approximately 250 trained local volunteers from Bahrain Transparency Society, BHRS, and others not affiliated with any political society, observed both municipal elections and both rounds of the parliamentary elections. They reported that the election campaigning and voting was generally free and fair. They also reported that some candidates were not allowed to visually observe ballot counting and that there was incomplete reporting of election results.

The government drew the electoral districts in both the municipal council and the legislative elections to protect Sunni interests by creating several districts with small populations likely to elect a Sunni candidate. In contrast, districts where a Shi'a candidate was likely to win were drawn to include large numbers of voters, a formula that diluted the voting strength of the Shi'a community. Observers commented that this gerrymandering generally violated the one-man, one-vote principle common to most democracies. According to the Carnegie Endowment for International Peace, divergence in the electoral population per district are great: the number of citizens per elected representative can vary by a factor of 10, or even 20.

Political parties are prohibited, but 15 political "societies" operate much like political parties and hold internal elections, campaign for public support, and host political gatherings (see section 2.b.). The government began recognizing political societies in 2002 and placed them under the jurisdiction of the 1989 Societies Law. Though the 1989 law prohibits societies from engaging in political matters, the government permitted such activity.

In July, a Political Societies Law replaced the 1989 law as the governing law for organized political activity. The law gives political societies legal authority to operate and defines rules that they must follow. Political societies were highly critical of provisions in the law that require them to notify the Ministry of Justice before contacting political groups abroad; prohibits foreign funding or training; raised the minimum membership age from 18 to 21; and gives the Ministry of Justice the authority to reject an application for registration.

Al-Wifaq, the country's largest political society, and three other political societies boycotted the 2002 parliamentary elections, citing grievances over the constitutional provisions that equalized the powers of the elected COR and the royally-appointed Shura Council. During the year, all political societies, including the four boycotting societies, registered under the new Political Societies Law, a required first step toward participation in the 2006 elections.

The Ministry of Social Development suspended an opposition group, the Islamic Action Society (IAS), for 45 days after a June 29 seminar in which the IAS allegedly praised 73 persons convicted of a 1980s coup attempt in Bahrain. The ministry accused the IAS of "defaming the constitution, national symbols, and the political leadership; tolerating incitement; and distributing pamphlets unlicensed by the Ministry of Information.

Women have the right to vote and run for public office. Women accounted for 52 percent of voters in the 2002 municipal council election. The government did not publish the percentage of women voters in the legislative election. No women were elected in either election.

The king has appointed six women to the Shura Council. The Ministry of Cabinet Affairs reported in 2004 that women held 9 percent of senior civil service posts. Minister of Health Dr. Nada Haffadh, appointed in April 2004, was the first female minister in the country. Minister of Social Development Dr. Fatima Al-Belooshi, who was appointed in January, is the second. Two female officers hold the rank of colonel in the Bahrain Defense Force.

In July, the government and the UN Development Program launched an initiative associated with the Supreme Council for Women to train women as candidates in the 2006 elections. By year's end, 82 women had participated in the program.

Almost all citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting approximately 70 percent of resident citizens. Members of the two sects have equal rights before the law. However, Sunnis predominate politically and economically. The royal family is Sunni and is supported by the armed forces and the security services, both of which contain very few Shi'a, and influential Sunni and Shi'a merchant families.

The king appointed a Christian and a Jewish member to the Shura Council. Twenty-one Shura Council members were Shi'a Muslims and seventeen were Sunni. Five of the 20 cabinet ministers were Shi'a.

Government Corruption and Transparency.—Significant areas of government activity continued to lack transparency, although there is evidence that the government is slowly encouraging a climate of greater openness. New legislation increased transparency in Central Bank transactions and activities, increased disclosure responsibilities for the 47 companies listed on the Bahraini stock exchange, and increased vigilance in areas of finance vulnerable to money laundering. Publication of the Audit Bureau's second report revealed indications of corruption within Bapco (Bahrain Petroleum Company). During the National Assembly debate on the 2006–2007 government budget, figures and details were publicly debated, bringing new transparency to the government's budgetary process.

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

Restrictions on freedom of association and expression hindered investigation or public criticism of the government's human rights policies. There are more than 400 NGOs registered in the country, most of which were sports clubs and charitable organizations. NGOs must report to the Ministry of Social Affairs when their members participate in international NGO events. In recent years, the government has allowed increased interaction between local civil society groups and international human rights organizations. In December Freedom House partnered with BHRS to organize a conference on family law issues. In October and November members of domestic NGOs participated with international NGOs in four thematic conferences leading up to the Forum for the Future conference. A local human rights activist organized a "parallel" Forum for the Future conference for regional NGOs. Bahrain Transparency Society had regular contact with parent organization Transparency International. Civil society members traveled regularly to attend conferences in the region, in Europe, and in the Americas.

The Bahrain Center for Human Rights (BCHR) was one of the most active NGOs in the country from 2002 to 2004. The group produced reports, supported victims of trafficking, held seminars, and organized other events. Since 2003, government ministries had warned the Center against conducting activities that were outside of its bylaws. In September 2004, the Ministry of Social Development issued a press release to local newspapers announcing the dissolution of the BCHR. The government locked the Center's property and froze its bank accounts. The BCHR challenged its closure in court, but lost the case and subsequent appeals (see section 2.a.). The BCHR's activities remained suspended.

The Bahrain Human Rights Watch Society (BHRWS), established in December 2004, conducted a number of human rights activities throughout the year, including organizing conferences and awareness campaigns on women's rights, children's rights, and labor rights. On December 10 BHRWS announced the establishment of a new coalition called "Respect" to focus on the twin issues of the need for a family law and the protection of abused domestic workers.

In May, the government submitted a report to the UN Committee Against Torture (CAT), having missed due dates of 1999 and 2003. Three local NGOs, including the banned BCHR, submitted shadow reports to the CAT (see section 1.c.). On May 26, several thousand people attended an NGO-sponsored seminar in Manama focusing on the CAT's recommendations.

On June 4, the BHRS received permission from the government to inspect prison conditions. A delegation visited Jaw prison on December 24 and December 31.

On July 29, the BHRS released its 3rd annual report, covering 2004. The BHRS recommended amending the 1989 law governing civil societies to allow for greater protection from government intervention and for freedom to assume a more central role in societal development. It called for an amended constitution, to grant more rights and freedoms to the people. BHRS also recommended that election districts be redrawn and suggested ways to reform the judiciary.

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

The constitution provides for equality; equal opportunity; and the right to medical care, welfare, education, property, capital, and work for all citizens. However, these

rights were protected unevenly, depending on the individual's social status, sect, or gender.

Women.—Spousal abuse of women was widespread, particularly in poorer communities. In August 2004, a prominent clinical psychologist conducted a scientific study of 605 women of varying ages, social statuses, and educational backgrounds, and concluded that 30 percent of the country's married women had been subjected more than once to verbal, physical, or psychological spousal violence. There were very few instances of women seeking legal redress for violence, and there was little public attention towards or discussion of the problem. Incidents usually were kept within the family.

On June 14, the quasi-government Bahrain Telecommunications Company (Batelco) opened the Center for Family Violence and began offering free medical, psychological, legal, and social assistance to victims of violence, including women and children. The center runs a hotline that abused persons can call for assistance.

No government policies or laws explicitly addressed violence against women. Rape is illegal and the press reported some cases of men being arrested for rape. The law does not address spousal rape. Although the number of convictions was not available, during the year there were 331 cases of sex-related crimes referred to the public prosecutor, including sexual harassment, sexual assault, and rape. In 2004, 374 cases were referred to the public prosecutor's office.

It was not uncommon for foreign women working as domestics to be beaten or sexually abused by their employers and recruiting agents. Numerous cases were reported to local embassies, the press, and the police; however, most victims were too intimidated to sue their employers, although they had the right to do so. Courts reportedly allowed victims who registered complaints to sue for damages or return home. If the victim brings a suit against the employer, the plaintiff cannot leave the country for the duration of the case. The Migrant Worker Protection Society (MWPS) has supported several victims who have taken their cases to court, but awards to victims were reportedly very low. In 2003 Anita, a 28-year-old Indian domestic servant, was hospitalized after being abused by her employer for 3 months. She had received less than one month's full pay. She sued her employer for damages and back pay. By year's end the case was still not resolved. Although Anita has repeatedly indicated her desire to return to her family in India, she is not permitted to travel unless her former employer signs Anita's exit papers, which she will only agree to do if Anita drops the charges.

Although prostitution is illegal, some women, mostly foreigners, engaged in prostitution. In 2003, an opposition political society's newsletter alleged that the Ministry of Information's tourism inspectorate division was corrupt and had allowed a flourishing trade of trafficking in persons and prostitution. The government refuted the accusation, and the author of the article was charged with defamation of character (see section 2.a.). On September 28, the court acquitted the author of all charges.

There is no specific law that prohibits female genital mutilation (FGM). BHRS received several reports of cases during the year, but there were no available statistics on the prevalence of FGM. The Supreme Council for Women, a government body that promotes women's rights, called on the Ministry of Health to conduct a study on the prevalence of FGM.

Women's legal rights vary according to Shi'a or Sunni interpretations of Islamic law (as determined by the individual's faith or by the court in which various contracts, including marriage, were made). Since 2002, women have filed complaints with the ministries of justice and Islamic affairs against several Shari'a judges, arguing that women were often treated unfairly in their courts. In March 2004, the minister of justice suspended six Shari'a court judges indefinitely. According to the ministry, the judges reportedly had lost the trust of the community due to their misconduct and could no longer serve the community successfully (see section 1.e.).

Shi'a and Sunni women have the right to initiate a divorce; however, religious courts may refuse the request. Although local religious courts may grant divorces to Shi'a women in routine cases, occasionally Shi'a women seeking divorce under unusual circumstances must travel abroad to seek a higher ranking opinion than that available in the country. Women of either sect may own and inherit property and may represent themselves in all public and legal matters. In the absence of a direct male heir, Shi'a women may inherit all property. Sunni women without a direct male heir inherit only a portion as governed by Shari'a; the balance is divided among the brothers or male relatives of the deceased. In practice, better-educated families use wills and other legal maneuvers to ameliorate the negative effect of these rules.

In divorce cases, the courts routinely grant Shi'a and Sunni mothers custody of daughters under age nine and sons under age seven. Custody usually reverts to the

father once the children reach those ages. Regardless of custody decisions, the father retains guardianship, or the right to make all legal decisions for the child—until the child reaches the legal age of 21. A non-citizen woman automatically loses custody of her children if she divorces their citizen father. A Muslim woman legally can marry a non-Muslim man if the man converts to Islam. In such marriages, the children are automatically considered to be Muslim.

Married women have the right to apply for a passport without their husband's consent. Women have the right to travel abroad without gaining prior consent.

By law foreign women who marry citizens are eligible for citizenship after five years of marriage. Foreign men who marry citizens, however, are not entitled to citizenship, and neither are their children. On July 14, the Bahrain Women's Society launched a campaign to promote full citizenship rights for foreign husbands and their children. Over the past two years the society has run a registration campaign to record the personal information of the more than 1,800 children (infant to age 21) who were born to citizen mothers and do not have citizenship.

Widows, divorcees, and other women with child dependents have the right to apply for government housing and loans. The government gives divorcees the right to remain in their home while they raise their children if the dwelling is government housing.

According to the Ministry of Commerce, women constituted 17 percent of the total workforce and 40 percent of the government workforce. The government has encouraged women to work and was a leading employer.

Labor laws prohibit discrimination against women; however, discrimination existed in the workplace, including inequality of wages and denial of opportunity for advancement. The influence of religious traditionalists sometimes has hampered women's constitutional rights despite their participation in the work force. On January 15, a new law granted women working in the public sector 42 days maternity leave, not including weekends. Women in the private sector are entitled to 45 days maternity leave, including weekends.

Sexual harassment is prohibited; however, harassment was a widespread problem for women, especially foreigners working as domestics and in other low-level service jobs. The press reported a number of instances of men being arrested for sexually harassing women.

Women accounted for 11 percent of all business license registrations. Another 33 percent were filed jointly by a man and a woman or groups including women.

The president of the University of Bahrain is a woman. Sixty percent of students at the University of Bahrain are women, although some women complained that admissions policies discriminated against qualified female applicants, especially Shi'a women. However, since admissions were based on published high school exam results, admission policies were mostly transparent.

Several women's organizations seek to improve the status of women under both civil and Islamic law. Throughout the year, the government and NGOs sponsored a number of conferences related to women's rights. Some of the most active women's groups are the Bahrain Businesswomen Society (BBS), the Bahrain Young Ladies Association, the Bahrain Women's Society (BWS), and the Al-Mustaqbal Society. The Supreme Council for Women was established by royal decree and is directed by the wife of the king, Her Highness Shaikha Sabika Bint Ebrahim Al-Khalifa.

Women activists have been trying since 2001 to establish the Bahrain Women's Union and continued to face setbacks during the year. The union seeks to bring together numerous societies to advocate for women's rights. One of the group's priorities is the creation of a personal status law to protect the rights of families, women, and children. The government has continuously rejected the union's application on technical grounds, saying that the activities of the union are political in nature.

On January 8–9, Bahraini NGOs, in cooperation with Amnesty International, hosted the Conference on Violence and Discrimination Against Women in the Gulf Cooperation Council. Dozens of activists from the region discussed problems facing women in the Gulf and made recommendations on how to advance women's rights.

Children.—The government has often stated its commitment to the protection of children's rights and welfare. It generally honored this commitment through enforcement of related civil and criminal laws and through an extensive social welfare network.

Children born to Bahraini mothers and non-citizen fathers are not entitled to citizenship. The Bahrain Women's Society reported in June that there are approximately 1,800 children of Bahraini women who reside in the country but do not have citizenship. These children are ineligible for certain educational and healthcare benefits and other rights of citizens.

Public education for citizen children below the age of 15 is free. The constitution provides for compulsory education at the primary levels (usually up to 12 or 13

years of age). In recent years, authorities did not enforce compulsory education rules. However, the Education Act, which came into effect on August 18, imposed fines on parents whose children failed to go to school and outlined other measures to encourage school attendance. According to the UN Children's Fund (UNICEF), 92 percent of school-aged children are enrolled. Most students finish secondary school.

Limited medical services for infant and preadolescent citizens were provided free of charge. Non-citizen adults and children pay less than \$3 per visit for care at public health centers.

Child abuse was not uncommon, although public discussion of it was rare. The Bahrain Women's Society's "Be Free" Campaign, which has posted a web site for victims of child abuse since 2002, reported that during the year there were on average 50 email postings per month from Bahraini children, youth and adults alleging to be abuse victims or to have been victims of child abuse in the past.

Child prostitution is illegal and there were no reported cases during the year.

Independent and quasi-governmental organizations played an active part in protecting children by providing counseling, legal assistance, advice, shelter, and financial support to distressed children and families.

On July 29, the press reported that the Ministry of Social Affairs blocked the Bahrain Child Society from holding a gathering. A representative of the ministry told the press that the society had not registered with the government and therefore was not authorized to organize activities. A member of the society's preparatory committee claimed that they had applied for registration 11 months before but had not yet received approval from the ministry.

Child marriage was rare. The press reported that on June 12 an 11-year-old was allegedly kidnapped by family members and forced to marry a 30-year-old relative. Police found the girl and returned her to her mother. The police detained one suspect in the case who was convicted of kidnapping and sentenced to prison. The length of his prison term was not available.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that some foreign workers were recruited for employment on the basis of fraudulent contracts and then forced to work under conditions different from what was promised. According to government statistics, foreigners make up approximately 60 percent of the workforce. Workers from Southeast Asia, South Asia, Ethiopia, and the former Soviet Union and Eastern Bloc reported being forced into conditions that amounted to trafficking (see section 6.c.). Some of these victims reported being sexually exploited or being forced to work as prostitutes; however, the most common forms of trafficking in persons involved unskilled construction laborers and domestic workers. There are approximately 50,000 foreign housemaids working in the country, and labor laws do not apply to domestic workers.

Up to half of low and unskilled expatriate workers were subjected to contract substitution and this was often due to the duplicity of recruiting agents in the worker's home country. Victims of trafficking experienced withholding of passports by employers, alteration of contracts without their consent, nonpayment of salaries, inadequate meals, physical abuse, and/or extremely long working hours. There were also allegations from runaway housemaids that some recruitment agencies make it a practice to rape incoming housemaids.

Frequently, citizen traffickers—including some from influential families—tricked new workers into paying up to \$1,200 (450 dinars) for fraudulent visas and non-existent jobs. The government has taken measures to fight this illegal practice. The Ministry of Labor more than doubled its number of labor inspectors to investigate reports of visa abuse.

Prostitution is illegal, but some foreign women engaged voluntarily in prostitution. There were also reports that some foreign women were forced into prostitution. In cases of forced prostitution, the government generally prosecuted the offender and often the victim's sponsor or employer. There were 78 cases involving prostitution referred to the Public Prosecution during the year, down from 184 cases in 2004. Statistics on convictions and sentences were not available. The fear of deportation or employer retaliation prevents many foreign workers from making complaints to the authorities. Many foreign workers are unaware of their rights under the law, such as the right to change employers without the consent of the original employer after working two years in a position.

Throughout the year the press carried occasional stories of expatriate workers committing or attempting suicide. Exact statistics of attempts and deaths were unavailable.

In March, Indian tailor Madhu Babu committed suicide after his employer, a factory that makes clothing for J.C. Penney, allegedly held him in solitary confinement for 15 days when he contracted chicken pox and then forced him to work while he

was still sick. Company officials claim Mr. Babu was provided with air-conditioned accommodation during his quarantine and said that he was visited by a doctor daily. After Mr. Babu's suicide, 400 workers rioted and caused significant damage to the factory. Representatives of the MWPS and the Bahrain Human Rights Watch Society met with Ministry of Labor officials to discuss the suicide and worker safety.

Trafficking remained a problem, although the government has taken positive steps to combat it. The government can fine employers guilty of forced labor up to \$2,600 (1,000 dinars). Although 2005 statistics were not yet available, in 2004 the Ministry of Justice brought over 300 cases against employers. The rules also require sponsors to put up a deposit of \$265 (100 dinars) for each runaway worker. The government published pamphlets on expatriate workers' rights in several languages, provided manuals on these rights to local diplomatic missions, and operated a telephone hotline for victims. The government does not provide direct assistance to victims.

On June 26, Meena Raj Kumar Dolare was sentenced to 3 months in jail and fined \$1,330 (500 dinars) for severely assaulting her maid in 2003. Though Dolare reportedly admitted to the abuse, she was released on \$1,330 (500 dinars) bail and vowed to appeal the ruling. Rights activists praised the ruling, but reported that it was the only conviction in more than 20 rape and physical abuses cases filed by foreign housemaids in the past two-and-a-half years. The MWPS reported that at least a dozen foreign women have dropped abuse cases against their employers because the courts delayed proceedings for months or even years and they wanted to return to their home countries.

The Embassy of the Philippines reported that 210 distressed Filipino workers were repatriated in the first 6 months of the year. The workers claimed that they faced a range of problems including maltreatment, physical and sexual abuse, and non-payment of salary. The Philippine Embassy's shelter for victims of abuse reported that it received 466 individuals (mostly women, but also a number of men) who ran away from their sponsors for reasons of alleged abuse. Statistics on other nationalities were not available.

Several NGOs provided assistance to trafficking victims with the government's approval. They include the MWPS, The Art of Living Foundation, the Indian Community Relief Fund, and the BHRWS. The MWPS, which operated a shelter for victims, reported that it received up to 20 pleas of help from expatriate workers in distress every month. On average, the MWPS said that 40 percent of the cases constituted severe abuse.

Persons with Disabilities.—The law protects the rights of persons with disabilities and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect persons with disabilities. In 2001 the Central Informatics Organization conducted the national census and determined that there were 3,963 disabled citizens. The labor ministry estimated the number of persons with disabilities at 7,000 in 2002, but in 2003 the International Labor Organization (ILO) estimated that persons with disabilities accounted for 4 percent of the population—approximately 24,000 persons. More recent statistics were not available.

There were no reports of discrimination against persons with disabilities in employment, education, or access to health care. The law protects the rights of persons with disabilities and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect persons with disabilities. Children with learning disabilities, physical handicaps, speech impediments, and Down Syndrome were enrolled in specialized education programs in public schools.

The government required public housing to provide access for persons with disabilities, although enforcement was sporadic. Greater emphasis has been given in recent years to public building designs that incorporate access for persons with disabilities; however, the law does not mandate access to non-residential buildings for persons with disabilities.

In January, the Central Municipal Council decided that all new public buildings in the municipality must include ramps, elevators, special lavatories, and other facilities for persons with disabilities.

Society tended to view persons with disabilities as persons in need of protection rather than as fully functioning members of society. Nonetheless, the government is required by law to provide vocational training for persons with disabilities who wish to work, and it maintains a list of certified, trained persons with disabilities who are eligible for employment as jobs become available. The 1976 Labor Law requires any employer of more than 100 persons to hire at least 2 percent of its employees from the government's list of workers with disabilities. However, the government does not monitor compliance. The government placed persons with disabilities in some public sector jobs. A Ministry of Social Development representative told the

press on May 6 that more than 400 persons with disabilities had been employed in the past two years.

In January, the government began distributing \$130 (50 dinars) per month to eligible persons with disabilities. By August, more than 2,000 persons were receiving this assistance monthly.

The Center for the Treatment of the Blind and the Center for the Education of Deaf Children both operated in the country. Throughout the year, the government and NGOs sponsored numerous conferences and workshops on issues related to persons with disabilities.

National/Racial/Ethnic Minorities.—Article 3 of the 1963 Citizenship Law grants citizenship to Arab applicants who have resided in the country for 15 years and to non-Arab applicants who have resided in the country for 25 years. There were reports that the citizenship law was not applied uniformly, and that the government allowed expatriate Sunni Arabs who had served less than 15 years in the security services to apply for citizenship. There were also reports of Arab Shi'a who had resided in-country for more than 15 years and non-Arab expatriates who had resided more than 25 years who had not been granted citizenship. It was unclear how many of these cases were delayed due to the lack of required documentation.

In 2003, the Council of Representatives formed a committee to investigate the naturalization process and allegations that the government illegally naturalized persons who did not reside in the country (see section 2.d.). The committee's report pointed out that political naturalization has a negative impact on security and socio-economic conditions. On April 5, the undersecretary testified before parliament and vowed to correct any violations of the nationality law. To date the MOI has reported no progress in this regard.

According to BHRS, reports of violence or discrimination against homosexuals or persons with HIV/AIDS were not common. However, reports of crimes in the media did not regularly specify if a victim of a crime was an alleged homosexual or had HIV/AIDS. Bahraini law does not criminalize homosexual relationships between consenting adults of at least 21 years of age.

Section 6. Worker Rights

a. The Right of Association.—The Workers Trade Union Law grants workers, including non-citizens, the right to form and join unions. There were 47 private-sector trade unions in the country. Nineteen percent of the private-sector labor force belonged to unions. The union law established a union federation, the General Federation of Bahrain Trade Unions (the Federation), which all unions are required to join. The law does not restrict who may be a union official other than to stipulate that a member of a company's management may not be a union member. The law states that no more than one union per establishment may be created and it prohibits unions from engaging in political activities.

Members of the military are prohibited from joining unions. The law allows union membership for private sector, civil service, and maritime workers. In June 2003, the king confirmed the right of civil servants to form unions. Since then, five public sector unions have been established, but they are still not recognized by the government. In February, the High Civil Court rejected a case filed by the Federation on the right of civil servants to organize.

The law does not address anti-union discrimination, and no reports of such behavior were reported. The law encourages unions to participate in international labor forums and events. The Federation is affiliated with International Confederation of Free Trade Unions (ICFTU) and the International Confederation of Arab Trade Unions (ICATU).

In May, the Ministry of Labor issued a decree requiring any employer of a Federation board member or a union head to give the union member compensated time away from work to attend to union duties. Federation board members, and presidents and vice-presidents of unions in companies with 1,000 or more workers, are completely exempt from reporting to their normal work duties. Presidents of unions in companies with 100–299 workers are given 2 days a week away from their normal work duties. Presidents of unions in companies with 50–99 workers are given 1 day a week away from regular duties.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Unions can be formed at establishments of any size. Employers and the government are required to treat unions as independent juristic entities.

The law states that “the right to strike is a legitimate means for workers to defend their rights and interests;” however, the law also restricts this right. The law requires arbitration before a vote to strike and that three-quarters of a union's

members approve the strike in a secret ballot. It is not clear whether the arbitration is binding.

Although government sources say the arbitration provision will not preempt the right to strike, the text of the law does not clearly specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision.

On May 17, forty workers in an Olayan Kimberly-Clark plant went on strike after four colleagues were fired. The four workers claimed that they were dismissed a few days after they had notified management of the intention to form a labor union. Company officials claimed that the workers were fired for poor performance. The workers were re-instated June 1 after the Federation and Ministry of Labor intervened.

On June 8, the press reported that Gulf Air warned the newly elected head of the workers union to resign or face termination of employment. At year's end, Gulf Air, the union, and the government were negotiating a resolution to the conflict.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children. However, there were reports that such practices occurred, particularly in cases of domestic servants and those working illegally (see section 5). There were no reports of forced or compulsory child labor.

Foreign workers, who make up approximately 60 percent of the workforce, in many cases arrived in the country under the sponsorship of an employer and then switched jobs while continuing to pay a fee to their original sponsor. This practice made it difficult to monitor and control the employment conditions of domestic and other workers. The government issued new regulations granting foreigners more freedom to change jobs, but the process is legally cumbersome and many foreign workers remain unaware of their rights and obligations under the law. After one year in a position, a foreign worker is allowed to break this contract and look for other work. Prospective employees must present the new employer with a "No Objection Certificate" (NOC) from the previous employer. After two years in a position, expatriate employees may change jobs locally without the approval of the original sponsor and within the duration of their contract period, provided the original employer was notified in writing months in advance. Many foreigners have been unable to obtain NOCs to get a new job.

Unskilled foreign workers can become indentured servants and often lacked the knowledge to exercise their legal right to change employment.

In numerous instances, employers withheld salaries from their foreign workers for months and even for years, and refused to grant them the necessary permission to leave the country. The government and the courts generally worked to rectify abuses if they were brought to their attention, but they otherwise focused little attention on the problem. The fear of deportation or employer retaliation prevented many foreign workers from making complaints to the authorities (see Section 6.e.).

The government worked to decrease instances of abuse by passing a law assessing a \$1,300 to \$2,650 (500 to 1,000 dinars) fine for employers found guilty of forced labor. Claims of runaway workers in the country have dropped dramatically since 2003. The new rules require sponsors to pay a \$265 (100 dinars) deposit per employee for each report of a runaway.

Labor laws do not apply to domestic servants. There were numerous credible reports that domestic servants, especially women, were forced to work 12- or 16-hour days, given little time off, were malnourished, and were subjected to verbal and physical abuse, including sexual molestation and rape. Between 30 to 40 percent of the attempted suicide cases handled by the government's psychiatric hospitals were foreign maids (see Section 6.e.).

It was estimated that there were 50,000 foreign housemaids working in the country who are predominantly of Sri Lankan, Indonesian, Indian, Bangladeshi and Filipino origins. During the year, there were several incidents of seriously abused housemaids reported in the press.

Housemaids who have no embassy representation in the country (Indonesian and Sri Lankan) are often subject to the worst types of physical and sexual abuse. With no diplomatic mission to protect them and no established victim assistance shelter, runaway housemaids have often been returned by untrained police to abusing employers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and compulsory child labor, and the government enforced this prohibition effectively (see section 6.c.).

The minimum age for employment is 14 years of age. Juveniles between the ages of 14 and 16 may not be employed in hazardous conditions or at night, and may

not work more than 6 hours per day or on a piecework basis. Ministry of Labor inspectors enforced child labor laws effectively in the industrial sector; child labor outside that sector was monitored less effectively, but it was not believed to be significant outside of family-operated businesses. Even in such businesses, it was not widespread.

e. Acceptable Conditions of Work.—There is no official minimum wage; however, in 2002 the government stated that the public and private sectors should pay workers no less than \$398 (150 dinars) per month. Compliance with these guidelines was not actively monitored in the private sector, and the guidelines did not provide for a decent standard of living for a worker with family. Unskilled foreign laborers in particular did not earn as much as the guidelines suggested. The Labor Law allows employers to consider benefits for foreign workers such as annual trips home, housing, and education bonuses as part of the salary. On July 24, the government raised its lowest pay grade to \$520 (200 dinars) per month for its civilian employees.

The Labor Law is enforced by the Ministry of Labor and mandates acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (a maximum of 48 hours per week) and occupational safety and health. Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

The ministry enforced the Labor Law with periodic inspections and routine fines for violators. Trained inspectors visited labor barracks to ensure that workers' accommodations met required safety and hygiene standards. The inspectors are only authorized to inspect premises that have a commercial registration.

When a worker lodges a complaint, the Ministry of Labor opens an investigation and often takes remedial action. The Fourth High Civil Court consists of three labor courts and has jurisdiction over cases involving alleged violations of the Labor Law. Complaints brought before the Ministry of Labor that cannot be settled through arbitration must be referred to the Court within 15 days. In practice, most employers preferred to settle such disputes through arbitration, particularly since the court and the Labor Law generally are considered to favor the employee.

The Labor Law provides for fines and jail sentences for private sector employers who failed to pay wages as required by the law. The law applies equally to employers of citizens and of foreign workers. According to representatives of several embassies with large numbers of workers in the country, the government was generally responsive to embassy requests to investigate foreign worker complaints regarding unpaid wages and mistreatment.

Women covered by the Labor Law in most jobs were entitled to compensated maternity leave and nursing periods during the day. Women generally were paid less than men.

The government has occupational health and safety standards and agencies responsible for their enforcement. The government and NGOs held several occupational safety seminars throughout the year.

The press often performed an ombudsman function on labor problems, reporting on job disputes and the results of labor cases brought before the courts.

The press reported that at least 12 workers were killed in construction sites during the year. Numerous workers reportedly suffered injuries on the job. In July, the Ministry of Labor recommended that construction companies give their workers a midday break during the summer months. The ministry's recommendations were not binding, and numerous workers reportedly suffered heatstroke.

EGYPT

The Arab Republic of Egypt, with a population of approximately 72 million, has been governed by the National Democratic Party (NDP) since the party's establishment in 1978. The NDP, which continued to dominate national politics by maintaining an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council, derives its governing authority from the 1971 constitution and subsequent amendments. Executive authority resides with the president of the republic and the cabinet. On September 7, President Hosni Mubarak won a fifth 6-year term, with 88 percent of the vote, in the country's first multi-candidate presidential election, a landmark event that was otherwise marred by low voter turnout and charges of fraud. The November and December parliamentary elections witnessed significant opposition gains but were marred by violence, low turnout, fraud, and vote rigging. The civilian authorities generally maintained effective control of the security forces, which committed numerous, serious human rights abuses.

The government's respect for human rights remained poor, and serious abuses continued in many areas. The following human rights problems were reported:

- limitations on the right of citizens to change their government
- existence of the state of emergency, in place almost continuously since 1967
- torture and abuse of prisoners and detainees, including deaths in custody
- poor conditions in prisons and detention centers
- impunity
- arbitrary, sometimes mass, arrest and detention, including prolonged pretrial detention
- executive influence on the judiciary
- denial of fair public trial and lack of due process
- political prisoners
- restrictions on civil liberties—freedoms of speech, press, assembly, and association; some restrictions on freedom of religion
- corruption and lack of transparency

An amendment to the constitution provided for the country's first multi-party presidential election in September. Ten political parties fielded candidates, and the campaign period was marked by vigorous public debate and greater political awareness and engagement. Security forces acted with restraint during the presidential election. The election was widely acknowledged as a significant improvement on previous presidential referenda, but it was marred by electoral flaws and low turnout. In addition, the government did not permit international observers to monitor the election. An increasingly independent media reported on political reform and human rights. Civil society supported political reform, including the independent monitoring of the presidential and parliamentary elections. Unlike in previous years, many demonstrations advocating political reform and critical of the government took place without excessive interference by security forces. These positive developments were offset, however, by violence against peaceful opposition demonstrators by government supporters and/or security forces on May 25 and July 30 in Cairo, during the parliamentary elections, and on December 30 against Sudanese protesters in Cairo. The National Council for Human Rights (NCHR) issued its first annual report in April, frankly describing government abuses and offering a series of recommendations. The government responded in September by saying that it was fully cooperating and would investigate all complaints submitted by the NCHR, though by year's end the government did not appear to take any concrete action in response to the report's recommendations.

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 targeted political killings; however, security forces killed a number of opposition voters and protesters during the parliamentary elections. The death toll was at least 11; although several of the deaths resulted from violence between supporters of competing candidates, the majority of the killings in the parliamentary elections resulted from the security forces' use of rubber bullets and live ammunition. At least 27 Sudanese protesters were killed on December 30 when security forces cleared a squatters camp in a Cairo park, erected to protest treatment of Sudanese refugees.

During the year, human rights organizations and the press reported that at least seven persons died in custody at police stations or prisons.

In June 2004, the Egyptian Organization for Human Rights (EOHR) issued *Torture: An Unchecked Phenomena*, a report which documented 15 deaths in custody among 41 cases of torture in police stations from April 2003 to April 2004. EOHR also asserted that from 1993 to April 2004, it documented 120 cases where detainees died as a direct result of torture, among some 412 cases of torture in police stations (see section 1.c.).

In early February, security forces (supported by local Bedouin guides) pursuing suspects involved in the October 2004 Sinai bombings killed three fugitives (Hamad Gomaa Tarabeen, Mohammad Abdel Rahman Badawi, and an unidentified third man) linked to the October 2004 Sinai terror attacks near Ras Sidr on the west coast of the Sinai peninsula.

On March 15, Nefissa Zakariyya el-Marakby, age 38, died after her release from police custody, following a series of police raids on the village Sarando, in Bahariya governorate. The Land Center for Human Rights (LCHR) and Human Rights Watch (HRW) reported that security forces, in an attempt to locate men suspected of in-

volvement in an ongoing land dispute, arrested scores of women and children and interrogated them in makeshift detention centers. Security forces reportedly physically and psychologically abused and humiliated el-Marakby and others, according to other women detained with her. El-Marakby was released to her family on March 14 and taken to Damanhour hospital, where it was determined that she was paralyzed. El-Marakby died on the morning of March 15. On March 21, the public prosecutor stated that the government's investigation into the incident concluded that el-Marakby died of natural causes rather than from torture. El-Marakby's family filed a lawsuit with the help of LCHR, but later withdrew the claim.

On May 6, Muslim Brotherhood (MB) member Tarek Ghanem died during an MB protest in Tulkha, Daqahiliya governorate. Police said he was crushed to death by other protesters but the MB claimed police hit him on the head (see section 2.b.). On May 16, EOHR, which had sent a fact-finding mission to inquire about Ghanem's demise, called on the government to investigate.

On May 19, Ashraf Said Youssef, an alleged leader of the terrorist cell that carried out attacks on April 7 and April 30 in Cairo, died at the hospital where he was being treated for injuries sustained after his April 29 arrest. Public Prosecutor Maher Abdel Wahed announced on May 22 that Youssef had died as a result of self-inflicted injuries when he hit his head against the wall of his detention cell. According to the government, however, by year's end the public prosecutor's office had not yet received the forensic report. Government sources noted that Youssef's injuries included bruises and contusions on his torso and arms (see section 1.c.). Youssef's cousin, Mohamed Suleiman Youssef, had reportedly died in custody sometime before April 27 after he was detained in connection with the April 7 attack.

In early August, Mohamed Saleh Feleifel was killed in a gun battle with the police near Ataq Mountain in Suez. He was being pursued by security forces in connection with the October 2004 bombings in Taba and the July 23 terrorist attacks in Sharm El Sheikh. His wife, who was with him, was wounded; she later died in the hospital.

In September and October, security forces killed additional suspected terrorists in the Jebel Hillal region of the Sinai. On September 27, press reports indicated that government security personnel had killed three fugitives and captured a fourth. On November 21, the Ministry of Interior announced that its forces had killed fugitive Salim Khidr Al-Shunub and his associates Salam Suwaylam al-Unj and Salaam Attiya Salaam. The ministry also announced that the security forces had killed a total of 11 suspects in the Sinai bombings and apprehended 26 others. Two senior police officials were killed in early September when the security forces first moved into Jebel Hillal.

During October protests by Muslim demonstrators against a theatrical production staged by members of the Mar Guirguis Church in Alexandria, security forces reportedly killed three Muslim demonstrators who were threatening the church.

In November and December, during the second and third rounds of the parliamentary elections, security forces in the Nile Delta region used lethal force against multiple groups of opposition voters. At least 11 persons were killed during election-related violence. According to EOHR, those killed included Mohamed Khalil Ibrahim (Alexandria); Gomaa Saad al-Zeftawy (Kafr Al-Sheikh); Islam Ahmed Shihata (Al-Daqahlia governorate); Magdy Hassan Ali al-Bahrawy (Al-Daqahlia); Tamer Mahmoud Abdu al-Qamash (Al-Daqahlia); Al-Saeed al-Deghidly (Damietta); Ihab Saleh Ezz al-Deen (Damietta); Shaaban Abdu Abu Rabaa (Damietta); Mostafa Abdel Salam (Al-Sharqia governorate); Mohamed Karam al-Taher Eliwa (Al-Sharqia); and Mohamed Ahmed Mahdy Gazar (Al-Sharqia). According to EOHR, the violence also left at least 500 persons injured.

EOHR asserted that responsibility for the elections related clashes could be attributed to supporters of the ruling party, as well as independents and MB supporters. EOHR also noted, however, that most of the fatalities occurred on December 7 after security forces closed at least 496 polling stations, which led to clashes between security forces who were enforcing the closure of the voting stations and opposition voters who were prevented from voting.

On December 30, at least 27 Sudanese refugees died when the police used water cannons and batons to clear a group of several thousand Sudanese protesters who had erected a squatters' camp in a city park in the Mohandiseen district of Giza to protest UNHCR resettlement policies. Human rights activists said the government forces were responsible for the deaths, but the government blamed the fatalities on a "stampede" by the refugees, some of whom were allegedly intoxicated.

In April, there were three attacks on tourist destinations in Cairo. On April 7, Egyptian suicide bomber Hassan Ahmed Rifat Bashandi, with the prior assistance of several accomplices, detonated an explosive device in the Khan el-Khalili bazaar, killing 3 foreigners and wounding 17 other foreigners and Egyptians. On April 30,

Egyptian Ihab Youssry Yassin Ali detonated an explosive device near the Egyptian Museum in central Cairo, killing himself and wounding four foreigners and several Egyptians. In a related attempted attack, less than an hour later, Ihab's sister, Nagat Youssry Yassin Ali, and a female acquaintance, Iman Ibrahim Khamis, fired a pistol at a tourist bus in Sayeda Aisha Square in Cairo. After failing to injure any of the passengers, Nagat shot herself and then Iman. The only deaths in the April 30 were the three perpetrators themselves, who were reportedly part of the small terrorist cell responsible for the April 7 bombing.

On July 23, three bombs exploded in Sharm El Sheikh, killing at least 75 persons and injuring hundreds of Egyptians and some foreign tourists. The bombers, thought to number three Egyptians, were also believed to have died. The Sharm El Sheikh attacks were widely regarded as linked to the October 2004 attacks on tourist destinations in the Sinai, where 34 persons died.

b. Disappearance.—There were no new cases of disappearance during the year.

Human rights monitors continued to call attention to prior unresolved cases of disappearance.

According to HRW, retired Brigadier Ahmed Salem Ebeid, a former deputy minister of defense and minister of information in the Yemeni government, was confirmed during the year to be residing in Yemen under house arrest, forbidden by the Yemeni government to have contact with the media. Ebeid had disappeared from his Cairo residence in February 2004.

In 2004, EOHR reported that it had been following 59 cases of disappearance within the country since 1992. Domestic human rights organizations provided names to the UN Working Group on Enforced and Involuntary Disappearances; the government did not respond to the EOHR report.

The 2003 disappearance of Adel Mohammed Kamiha, a coffee shop owner, and of Reda Helal, a prominent journalist, remained unsolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Article 42 of the constitution prohibits the infliction of “physical or moral harm” upon persons who have been arrested or detained; however, torture and abuse of prisoners and detainees by police, security personnel, and prison guards remained common and persistent. According to the UN Committee Against Torture, a systematic pattern of torture by the security forces existed. Police torture resulted in deaths during the year (see section 1.a.).

Torture or authorizing torture are felonies punishable by 3 to 10 years' imprisonment under the penal code. For deaths resulting from torture, the crime is considered intentional murder punishable by a life sentence. Arrest without due cause, threatening death, or using physical torture are crimes punishable by imprisonment. Abuse of power to inflict cruelty against persons is a crime punishable by imprisonment and fines. Victims may also bring a criminal or civil action for compensation against the responsible government agency. There is no statute of limitations in such cases.

Despite these legal safeguards, there were numerous, credible reports that security forces tortured and mistreated prisoners and detainees. Domestic and international human rights groups reported that the State Security Investigations Service (SSIS), police, and other government entities continued to employ torture to extract information or force confessions. Reports of torture and mistreatment at police stations remained frequent. In prominent cases, defendants alleged that police tortured them during questioning (see sections 1.e. and 2.c.). Although the government investigated torture complaints in some criminal cases and punished some offending police officers, punishments generally have not conformed to the seriousness of the offense. The government has not prosecuted any SSIS officers for torture since 1986, according to a senior Ministry of Interior official during a February meeting with HRW. There was no indication during the remainder of the year that the government prosecuted or otherwise penalized State Security officials for human rights abuses.

Principal methods of torture reportedly employed by the police and the SSIS included stripping and blindfolding victims; suspending victims from a ceiling or doorframe with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electrical shocks; and dousing victims with cold water. Victims frequently reported being subjected to threats and forced to sign blank papers for use against themselves or their families should they in the future complain about the torture. Some victims, including male and female detainees and children, reported sexual assaults or threats of rape against themselves or family members. While the law requires security authorities to keep written records of detentions, human rights groups reported that the lack of such records often effectively blocked investigations.

The Emergency Law—applied almost continuously since 1967 under the state of emergency—and most recently renewed in 2003 through May 2006—authorizes incommunicado detention for prolonged periods. Detentions under this law frequently were accompanied by allegations of torture. The government responded to terrorist attacks in April and July with a crackdown authorized by the Emergency Law; authorities conducted mass arrests of scores or hundreds of persons acquainted with the suspects and reportedly tortured some of them in custody (see section 1.d.).

In May 2004, the government's Central Audit Agency directed the Ministry of Interior to require any security or police officers found responsible for torture to be financially liable for any judgments levied against the ministry. According to the Human Rights Association for the Assistance of Prisoners (HRAAP), punitive damages awarded by the courts during the year to victims of torture mounted to approximately \$35,500 (LE 204,500).

The government continued efforts during the year to hold some security personnel accountable for torturing prisoners in their custody; however, the government has not investigated any SSIS officials for torture in the last two decades. The government also continued its practice of giving light sentences to police officers convicted of serious abuses, including torture resulting in death. Human rights organizations and the press reported that at least 12 police officers in 5 separate cases, 2 of which involved deaths in custody, were held publicly accountable. Some of the cases involved incidents that took place in previous years.

On January 17, the Cairo Criminal Court sentenced Ahmed Saleh Darwish, of Cairo's Bab Al-Shareya police station, to five years in prison for torturing to death suspect Mohammad El-Husseiny Imam in 2001. According to a forensic report, Imam had died from electric shocks. Egypt's highest court, the Court of Cassation, had overturned an initial conviction of Darwish in May 2003 and ordered a retrial in September 2004.

On April 6, EOHR reported that the Nagada misdemeanors court, under article 129 of the penal code, sentenced Nouh Taha Ibrahim Muqlid, a police officer in charge of the Nagada police station's investigation unit, to one week's imprisonment for cruelty against detainee Mohammad Halaby Mohammad in April 2004.

On May 10, the Cairo Criminal Court sentenced police officer Mohamed Mubarak Ali and assistant officers Zaghoul Hamed Higab and Ahmed Ibrahim Madany—all based at the Sayyeda Zeinab police station—to three years' imprisonment for intentional assault against Mahmoud Gabar Mohamed which led to his death in 2003. Originally charged under article 126 of the penal code with torturing a suspect to extract a confession, the defendants were convicted of deliberate fatal assault, receiving the minimum sentence under article 236 "for reasons of clemency."

Numerous cases of torture were documented. According to EOHR, there were 34 cases of torture in police stations reported during the year. In late January, Mohammed El-Sayed Salem reportedly suffered a fractured spine and was left unconscious and paralyzed after being repeatedly kicked while handcuffed at a police station in Zagazig, according to EOHR. Although a court ruled that Salem should be freed on bail, he was detained for three more days. He was finally freed and taken to a local hospital on January 27.

On April 18, according to reports given by family members to EOHR, Ahmed Mahmoud Salem, who had been detained at Kafr Saqr police station in Sharqiya governorate, died after being beaten, sexually assaulted, and tortured with electric shocks. EOHR urged the public prosecutor and the interior ministry to investigate.

On June 23, EOHR submitted a formal complaint calling for an investigation into the case of Abdel Gawad El-Aaw, who was arrested on June 15 by Waraq police station officers for possession of drugs and weapons. Family members who had talked to El-Aaw in detention told EOHR that he had suffered beatings, including to "sensitive parts" of his body, at the hands of four police officials.

According to an EOHR report on June 23, the NCHR (which includes a representative from EOHR) had received 74 complaints of torture and officially forwarded them to the minister of interior. The June 23 EOHR report noted that the ministry had not responded to any of the complaints.

On March 30, a Cairo criminal court formally acquitted Mohammad El-Sharkawi, the chief of investigations at Helwan police station, his assistant, and three security officers of torturing nine suspects at the Helwan police station in October 2003.

On April 5, two defendants facing prosecution for their alleged roles in the October 2004 bombings in Taba filed a lawsuit against the interior ministry, charging that their confessions had been obtained by torture. The lawsuit remained pending at year's end.

In January 2004, the public prosecutor indicted police major Yasser Ibrahim El-Akkad, head of the criminal investigations unit at Haram Police Station in metropolitan Cairo, for torturing actress Habiba while investigating the 1999 killing of

her husband. The case against El-Akkad, who claimed that Habiba willingly confessed, remained ongoing at year's end.

In March, six police officers were convicted of torturing to death Ahmed Khalil Ibrahim in 2002, and each was sentenced to 10 years' imprisonment; the sentences were reduced to 7 years by an appeals court. In 2004, the Alexandria Criminal Court had twice postponed the case, before proceedings resumed in March. The Association for Human Rights Legal Aid (AHLA) filed a civil suit on behalf of Ibrahim's family, seeking \$1.6 million (LE 10 million) in compensation.

On March 17, EOHR reported that Khalid Abdel Rahim Sadiq had been beaten and tortured at the Haram police station after he was arrested on February 7 following an in absentia conviction.

On June 23, EOHR reported it had documented 292 torture cases between 1993 and 2004, and 120 cases in which the victim concerned died as a result of suspected torture or mistreatment. In 2004 EOHR monitored 42 cases of torture and 23 deaths. As of June 23, EOHR reported it had monitored 27 cases of torture and 5 deaths during the year.

Human rights observers recommended that rules and standards for victims be established to obtain redress and parity in compensation.

In a 2002 report, the UN Committee Against Torture, a subcommittee of the UN Commission on Human Rights, recommended that the government end the state of emergency, adopt a clear legal definition of torture, cease incommunicado detention, order the review of military court decisions by a higher tribunal, remove ambiguities in the law that allow the prosecution of individuals for their sexual orientation, accept a visit by a UN special rapporteur on torture, establish rules and standards for victims, and allow human rights organizations to pursue their activities unhindered. In 2004, the government maintained that the report's recommendations were still under review.

Remedial actions cited by the government in 2004 include the abolition of flogging in prisons; unannounced inspections of places of detention; court decisions that disregarded confessions obtained under duress; increased human rights training for police officials; and the establishment of several human rights committees and departments within government ministries. With assistance from the UN Development Program, the government continued to implement the committee's recommendation for increased human rights training for law enforcement personnel and prosecutors. The government did not permit a visit during the year by the UN special rapporteur on torture.

Prison and Detention Center Conditions.—Prison conditions remained poor, and the government did not permit visits by international human rights observers. Officials from the NCHR visited several prisons during the year. EOHR and HRAAP both stressed the deteriorating conditions in prisons, especially overcrowded cells and a lack of medical care, proper hygiene, food, clean water, proper ventilation, and recreational activities. Tuberculosis was widespread; overcrowded cells remained a problem. Some prisons continued to be closed to the public.

On January 1, EOHR reported that 25 prisoners in Tora Penitentiary, south of Cairo, had been engaged in a hunger strike to protest poor living conditions in the prison.

On April 27, EOHR issued a report, based on prison visits made in 2004 and on complaints received from approximately 100 prisoners, that attributed the cause of poor health and sanitary conditions in prisons to the poor quality food given to the prisoners, overcrowding in cells, and the complete lack of specialized doctors, medicines, or medical equipment.

On May 31, EOHR reported that four prisoners at Wadi Natroun Prison protested bullying at the hands of other inmates as well as a lack of medical care after being beaten by other inmates.

On June 5, a barber detained at a police station in Hawamdeya district of Giza died due to the heat in the detention room.

Failure to implement judicial rulings regarding the release of administrative detainees and the opening of prisons to visits remained a problem. Relatives and lawyers often were unable to obtain regular access to prisons for visits. Special restrictions were placed on the number of visits and visitors to prisoners incarcerated for political crimes or terrorism.

As required by law, the public prosecutor continued to inspect all regular prisons during the year; however, findings were not made public. SSIS "detention centers" were excluded from mandatory judicial inspection.

While separate prison facilities existed for men, women, and juveniles, adults were not always separated from juveniles, and abuse of minors was common. Civilians were not detained in military prisons. Political prisoners generally were detained separately from prisoners convicted of violent crimes.

Lawyers were permitted to visit prisoners in their capacity as legal counsel; however, they often faced bureaucratic obstacles preventing them from meeting with their clients (see section 1.d.). The International Committee of the Red Cross and other international and domestic human rights monitors did not have access to prisons or to other places of detention.

In early April, the Prisons Authority began implementing a policy of allowing prisoners to leave for one or two-day family visits before the end of their prison terms, explaining it as an opportunity for prisoners to readjust to life outside prison. At the end of the visit, prisoners were required to report back to the prison.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, during the year, police and security forces conducted large-scale arrests and detained hundreds of individuals without charge under the Emergency Law. Police also arbitrarily arrested and detained hundreds of persons in connection with unlicensed demonstrations and the parliamentary elections. Arbitrary arrest and detention remained a significant problem and increased markedly during the year.

Government arrests and detention of MB members and supporters increased significantly from the previous year. There were reports of political detainees. The government continued to use the Emergency Law under the official state of emergency, which was renewed in 2003 through May 2006, to try non-security cases in the emergency courts and to restrict many other basic rights. HRAAP and other credible NGOs estimated during the year that there were approximately 10,000 detainees.

Role of the Police and Security Apparatus.—The country has both local and national law enforcement agencies, all of which fall under the Ministry of Interior. Local police operate in large cities and governorates. The ministry controls the State Security Investigations Service (SSIS), which conducts investigations, and the Central Security Force (CSF), which maintains public order. SSIS and CSF officers are responsible for law enforcement at the national level and for providing security for infrastructure and key officials, both domestic and foreign. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Anti-Narcotics General Administration, also work at the national level. As a whole, the security forces operated under a central chain of command and were considered generally effective in their efforts to combat crime and terrorism and preserve and maintain public order. However, a culture of impunity militated against systematic prosecution of security personnel who committed human rights abuses.

There were continued instances of torture by police, and human rights monitors believed the use of torture by police was widespread. Although some police were prosecuted, human rights monitors believed most incidents of torture went unpunished. Security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and engage in mass arrests.

There was widespread petty corruption in the police force, especially below senior levels. An internal affairs mechanism, the workings of which are not publicized, was regularly employed for investigating corruption and other instances of police malfeasance. Judicial recourse was also employed (see section 1.c.).

In addition to acceptance of bribes or simple theft, there were instances of accompanying assault and even murder. On March 1, the Court of Cassation upheld the sentencing of two police officers and six accomplices to seven years' imprisonment for assault and robbery of a businessman.

On May 22, the Court of Cassation upheld the sentencing of a low-ranking police official to death, his accomplice to life in jail, and their accessory to five years' imprisonment for the premeditated murder of two workers at a tobacco company and theft of \$12,000 (LE 69,000) of company funds.

Impunity was a serious problem. The government failed to investigate and punish many instances of credible allegations of mistreatment by police and security forces.

By year's end, there had been no public measures taken to prosecute or otherwise discipline security forces for their assaults on citizens on May 25, July 30, during the parliamentary elections, or during the December 30 violence against Sudanese refugees (see sections 2.b., 2.d., and 3).

Arrest and Detention.—To obtain a warrant from a judge or prosecutor prior to 1981, the constitution provided that police had to show that an individual had "probably" committed a specific crime. The 1981 declaration of a state of emergency, and the imposition of the Emergency Law, nullified this requirement and provided that in order to obtain a warrant, police must show only that an individual "poses a danger" to security and public order.

The Emergency Law allows detention of an individual without charge for up to 30 days, only after which a detainee may demand a court hearing to challenge the

legality of the detention order, and may resubmit a motion for a hearing at one-month intervals thereafter. There is no limit to the detention period if a judge continues to uphold the detention order or if the detainee fails to exercise his right to a hearing. Incommunicado detention is authorized for prolonged periods by internal prison regulations. Human rights groups and the UN Committee Against Torture both expressed concern over the application of measures of solitary confinement.

In cases tried under the Emergency Law, access to counsel was often restricted or denied prior to the transfer of the accused to a courtroom for the start of proceedings. Many detainees under the Emergency Law remained incommunicado in State Security detention facilities without access to lawyers. After these cases are transferred to trial, the court appoints a lawyer.

The Penal Code also gives the government broad detention powers. Prosecutors must bring charges within 48 hours following detention, or release the suspect. However, they may hold a suspect for a maximum of 6 months while they investigate. Arrests under the Penal Code occurred openly and with warrants issued by a district prosecutor or judge. There was a functioning system of bail for persons detained under the Penal Code. The Penal Code contains several provisions to combat extremist violence, which broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

In one notable case, Ayman Nour, member of parliament and leader of the licensed opposition al-Ghad (Tomorrow) Party, was arrested January 29 outside parliament on charges that he forged proxy signatures on his party's registration papers, which had been approved by the Shura Council's Political Parties Committee in October 2004. A request to strip Nour of his parliamentary immunity was endorsed the same day, apparently violating several significant procedural requirements in the process. Just before the arrest, State Prosecution already had teams initiating exhaustive searches of Nour's offices and residence. Nour was initially held on a 4-day detention order, which was extended 48 hours later during his initial arraignment to the maximum of 45 days, after the court denied bail.

Shortly after Nour's detention, EOHR issued a press release, alleging that Nour "was roughed up at the time of his arrest, thrown to the ground, hit in the face, and punched repeatedly in the back." At the police station, the statement contended, Nour was "shackled to a door frame and forced to bend for an extended period." The Arab Center for the Independence of the Judiciary issued a similar statement.

On March 12, the public prosecutor ordered Nour released on \$1740 (LE 10,000) bail, 43 days after his January 29 arrest. On March 22, the government formally charged Nour and six codefendants with forgery and knowingly using forged documents. The case was referred to a criminal court for trial by a state security prosecutor beginning on June 28. The trial lasted for nearly six months, with a number of lengthy delays which permitted Nour to run, unsuccessfully, for president and for parliament. Nour was convicted on December 24 (see section 1.e) and sentenced to five years' imprisonment.

In an internationally publicized case, on August 10, after 23 days in detention, police released Dr. Magdy El Nashar who was arrested for his suspected role in the July bombings in London.

Access to counsel was provided in cases tried under the Penal Code, but reportedly sometimes with difficulty. Thousands of persons have been detained administratively in recent years under the Emergency Law on suspicion of terrorist or political activity. Several thousand others have been convicted and were serving sentences on similar charges (see section 1.e.). During the year HRAAP estimated that the total number of persons in administrative detention was approximately 10,000. HRAAP estimated that an additional 10,000 persons have been released over the past three years.

Detentions in Sinai, in connection with ongoing investigations into the October 2004 terror attacks, remained a subject of controversy. In November 2004, HRAAP and EOHR had called on the government to release detainees, estimated to number as many as 3,000, whom government security forces arrested in the Sinai, mostly around the town of Al-Arish, after the October 2004 terrorist bombings in Taba and Nuweiba that killed 34 persons. In February, a HRW report ("Mass Arrests and Torture in Sinai") charged that as many as 2,400 persons were still held in detention. In January, family members of the detainees staged several protests in El-Arish. The government did not respond publicly to the charges about the Sinai detainees, nor did it provide details about releases of detainees. According to domestic human rights activists, many of the original detainees were released over the course of the year; however, the government also arrested an additional unknown number of persons in connection with the July 23 bombings in Sharm El-Sheikh, and as part of anti-terror operations conducted in September and October in the Jebel Hillal region

of northern Sinai. At year's end there were no reliable estimates of the total number of suspects who remained in detention in the Sinai.

Beginning in December 2004, the Kifaya ("Enough") Movement staged multiple demonstrations throughout the year calling for political reform. There were numerous examples of arrest and detention of peaceful demonstrators. For example, on January 28 police arrested three members for distributing leaflets publicizing Kifaya's February 4 demonstration. On April 26, police arrested two Kifaya activists, Ashraf Suleiman and Hisham Nabil, prior to pro-reform demonstrations as they were distributing the movement's leaflets outside Helwan, south of Cairo (see section 2.b.).

Also during the year, the government arrested and detained hundreds of persons associated with the Muslim Brotherhood, which has been an illegal organization since 1954. In 2004, the government arrested only 90 MB members. From February through June, during dozens of demonstrations across the country in which MB members demanded political reform, security forces arrested and detained hundreds of members of the organization, often holding them for at least 15 days, "pending further investigation." Security forces arrested and detained MB members in Cairo, Assiut, Sharqiyya, Daqahliyya, Damietta, Beheira, Fayoum, Sohag, and Minya. In Fayoum in early May and in Mansoura in late March and early May, clashes between MB members and security forces resulted in a back-and-forth of arrests, reactionary demonstrations, and more arrests. In May, EOHR reported that it had documented the names of at least 498 Muslim Brotherhood members arrested during the course of peaceful demonstrations staged in Cairo, Sharqiyya, Ismailiyya, Suez, Minya, Bahrayya, Fayoum, Menoufiyya, Assiut, and Gharbiyya. Charges leveled against members during the year included membership in and revival of a banned organization; obstructing the laws and constitution of the country; inciting the masses against the government; organizing demonstrations critical of the government's policies; and possessing communiques, booklets and tapes that propagate MB ideology. In November and December the government detained hundreds more MB activists in an apparent effort to limit MB success in the parliamentary elections. Many of those arrested were released after a matter of days or weeks, but at year's end, the MB charged that approximately 30 remained in detention.

Information about the number of detainees at any given time was often in dispute. For example, in June, the government announced that it had released approximately 300 MB members and supporters who had been detained after May demonstrations, and that 349 MB detainees remained in custody. The MB acknowledged the releases, but asserted that 2400 persons had been arrested and that 590 remained in detention. At year's end there were conflicting accounts of remaining Muslim Brotherhood detainees, ranging from several dozen to several hundred.

The government also arrested or detained several leaders of the organization, including Abdel Moneim Aboul Fotouh, on March 27; Essam el-Erian, senior leader and spokesman, on May 6; and Mahmoud Ezzat, Secretary-General and chief of the group's Cairo operations, on May 22. The government released these detainees, along with many other MB activists, during the summer and fall (see section 2.b.).

Amnesty.—There were no reports of the government granting amnesty or otherwise engaging in large-scale early releases of political prisoners.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the president may invoke the Emergency Law to refer any criminal case to the emergency courts or military courts, in which the accused does not receive most of the constitutional protections of the civilian judicial system. There were political prisoners.

Trial Procedures.—The constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. This provision generally was observed in practice; however, throughout the year, thousands of judges affiliated with the Cairo and Alexandria Judges' Clubs (the two largest independent professional associations for the judiciary) publicly called for greater autonomy for the judiciary from the executive branch. The Judges' Clubs, whose leadership is selected by votes of the membership, called for the passage of a new law governing executive-judiciary relations, which would raise judicial salaries, separate judicial duties from compensation packages controlled by the Ministry of Justice (i.e., an executive branch organ), and decrease the oversight role of the Supreme Judicial Council, a regulatory body answering to the ministry and composed of government appointees.

On April 15 and May 13 respectively, the Alexandria and Cairo Judges' Clubs threatened to boycott their constitutionally mandated role as supervisors of the presidential and parliamentary elections, over concerns about the integrity of the electoral processes as well as concerns about executive branch domination of the ju-

diciary. Although the Club members decided collectively on September 2 to serve as supervisors of the elections, many individual judges who supervised the parliamentary elections commented critically about the flaws in the process. On December 16, the Cairo Judges' Club overwhelmingly re-elected as its leader Counselor Zakariya Abdel Aziz, who had spearheaded the calls for judicial autonomy. By year's end, there had been no public progress on the consideration of a new law governing executive-judiciary relations.

The president appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges. Judges are appointed for life, with mandatory retirement at age 64. Only the Higher Judicial Council may dismiss judges for cause, such as corruption. Headed by the President of the Court of Cassation, the Council regulates judicial promotions and transfers. The government included lectures on human rights and other social issues in its training courses for prosecutors and judges.

In the civilian court system, there are criminal courts, civil courts, administrative courts, and the Supreme Constitutional Court. There are three levels of regular criminal courts: primary courts, appeals courts, and the Court of Cassation, which represents the final stage of criminal appeal. Civil courts hear civil cases and administrative courts hear cases contesting government actions or procedures; both systems have upper-level courts to hear appeals. The Supreme Constitutional Court hears challenges to the constitutionality of laws or verdicts in any of the courts.

A lawyer is appointed at the state's expense if the defendant does not have counsel. Appointed lawyers are drawn from a roster chosen by the Bar Association. Defendants can appeal if denied this right; however, detainees in certain high-security prisons continued to allege that they were denied access to counsel or that such access was delayed until trial, thus denying counsel the time to prepare an adequate defense (see sections 1.c. and 1.d.). A woman's testimony is equal to that of a man in court. No law prohibits a woman serving as a judge; however, there has only been one female judge (see section 5).

In 2003, the government formally abolished state security courts. The courts had been criticized for restricting the rights of defendants, particularly the right to appeal. A number of cases referred to the state security courts were transferred to regular criminal courts. However, skeptical observers of the legal system argued that as long as the government retained and used emergency courts, the abolition of state security courts did not constitute a fundamental improvement.

The emergency courts share jurisdiction with military courts over crimes affecting national security. The president can appoint civilian judges to the emergency courts upon the recommendation of the minister of justice or military judges upon recommendation of the minister of defense. Sentences are subject to confirmation by the president. There is no right to appeal. The president may alter or annul a decision of an emergency court, including a decision to release a defendant.

The government has asserted that referral to emergency courts usually has been limited to terrorism or national security cases, as well as major cases of drug trafficking; however, the government also has occasionally used emergency courts to prosecute homosexuals, heterodox religious groups, and political dissidents. Government authorities ignored judicial orders in some cases. The government has used the Emergency Law to try cases outside the scope of combating terrorism and grave threats to national security.

In August 2004, Public Prosecutor Maher Abdel Wahed told the press that the government intended to limit trials in emergency courts only to cases that touched upon security of the State. During the year, emergency courts issued verdicts in two cases.

On March 28, an emergency court in Cairo convicted citizen Mahmood Eid Mohammed Dabbous and Iranian diplomat Mohammed Hussein Reda Dawst (the latter in absentia), on charges of involvement in a 2004 terror attack in Saudi Arabia and conspiring to commit terrorism in Egypt, including a planned assassination of President Mubarak. Dabbous received 10 years' imprisonment for his involvement in a May 2004 attack on a Saudi petrochemical plant and 25 years for conspiring with Dawst to spy against Egypt. Dawst was also sentenced to 25 years' imprisonment. Dabbous's lawyers argued that his confession had been made under torture and duress, but the judges discounted his claims.

On March 30, the public prosecutor announced the government would try two detainees (Mohammad Gayez Sabah Hussein and Mohammad Abdallah Raba) and one fugitive (Mohammad Ahmed Saleh Feleifal) for involvement in the October 2004 Sinai attacks. The High State Security Emergency Court convened in Ismailia on July 2. The trial continued during the remainder of the year, though security forces killed fugitive Feleifal in August. On December 24, the government presented evidence that the injuries to one of the defendants were not consistent with torture.

The defense called a witness who testified that one of the accused was at work in al-Arish on the day of the attacks. After the December 24 session, the court announced that it would pronounce its verdict on February 25, 2006. If convicted, the defendants face the death penalty.

On September 26, a state security emergency court convicted Ezzat and Hamdan Hanafi, two brothers from Assiyut, of narcotics trafficking and kidnapping during a 2004 standoff with police, and sentenced them to death. Ezzat Hanafi issued a statement protesting his death sentence by an emergency court, which cannot be appealed, and requesting that President Mubarak use his authority as "military commander" under the state of emergency to order that the case be reviewed by a panel of civilian judges. At year's end, Hanafi was still awaiting a response.

According to a 1993 Supreme Constitutional Court decision, the president may invoke the Emergency Law to refer any crime, including charges against civilians, to a military court. Military verdicts were subject to a review by other military judges and confirmation by the president, who in practice usually delegated the review function to a senior military officer. Defense attorneys claimed that they were not given sufficient time to prepare and that military judges tended to rush cases involving a large number of defendants. Judges had guidelines for sentencing, defendants had the right to counsel, and statements of the charges against defendants were made public. Observers needed government permission to attend. Human rights activists have attended, but only when acting defense counsel.

Political Prisoners.—Political prisoners during the year included as many as 26 members of the illegal Islamic Liberation Party (Hizb al-Tahrir al-Islami), including three Britons. The members had been convicted in March 2004 by the Supreme State Security Emergency Court after being arrested in 2002. Sentences for most members ranged from 1 to 3 years' imprisonment; the three British prisoners received 5-year sentences, which presumably included time already served prior to conviction. Several of the defendants, including the three Britons, alleged they had been tortured to compel them to sign confessions.

On December 24, Ayman Nour, runner-up in September's presidential election, was convicted of forging proxy signatures on his party's registration papers and sentenced to five years in prison. Nour's detention and trial was fraught with irregularities and inconsistencies and failed to meet basic international standards. On January 29, Nour was arrested outside parliament and spent 43 days in detention before being released. On June 28, the trial of Nour and six codefendants began at Cairo Criminal Court. On June 30, at the second session, Ayman Ismail Hassan, a codefendant but also a chief witness for the prosecution, recanted the guilty plea he had entered June 28, testifying that he had been coerced by prosecutors into giving false evidence against Nour. On December 5, Judge Adel Abdel Salam Gom'a, who had previously presided over the two trials of Saad Eddin Ibrahim in 2001 and 2002, ordered Nour remanded to custody in Mazra' Torah prison, south of Cairo, in advance of the verdict; Nour was booked as a "convict" rather than a "defendant." Following his December 24 conviction, Nour's legal team announced its intention to appeal (see section 1.d.). Nour's trial was closely followed by the international community, as well as by domestic and international human rights organizations.

During the year, the government continued to try and convict journalists and authors for libel, as well as for expressing their views on political and religious issues (see sections 2.a. and 2.c.).

According to local human rights organizations, approximately 10,000 persons were detained without charge on suspicion of illegal terrorist or political activity (see section 1.d.). In addition, several thousand others were serving sentences after being convicted on similar charges.

The government did not permit international humanitarian organizations access to political prisoners (see section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution provides for the sanctity and secrecy of the home, correspondence, telephone calls, and other means of communication; however, the Emergency Law suspends the constitutional provisions regarding the right to privacy, and the government used the Emergency Law to limit these rights. Under the constitution, police must obtain warrants before undertaking searches and wiretaps. Courts have dismissed cases in which warrants were issued without sufficient cause. Police officers who conducted searches without proper warrants were subject to criminal penalties, although penalties seldom were imposed. However, the Emergency Law empowers the government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their cor-

respondence (especially international mail), searched them and their homes, and confiscated personal property.

A telecommunications law allows telephone and Internet wiretaps only by court order. However, some human rights observers alleged that the government routinely violated this law.

Although the law does not explicitly criminalize homosexual acts, police have in the past targeted homosexuals using Internet-based “sting” operations leading to arrests on charges of “debauchery.” There were no reports of Internet entrapment cases during the year (see sections 1.c, 1.e., and 2.a.).

The Ministry of Interior has the authority to stop specific issues of foreign newspapers from entering the country on the grounds of protecting public order. There were no reports that it had exercised this authority during the year (see section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, the government partially restricted these rights in practice. The government used the Emergency Law to infringe on citizens’ civil liberties. Citizens openly expressed their views on a wide range of political and social issues, including vigorous criticism of government officials and policies and direct criticism of the president. Journalists and writers continued to practice some degree of self-censorship, but the year was also marked by a dramatic expansion of public debate, often through the media. Several new independent newspapers, including *Al-Masry Al-Youm* and *Al-Dustur*, played an important role in expanding freedom of speech. In addition, television talk shows on both government-owned and independent channels demonstrated an unprecedented degree of openness and critical debate.

During the year, a number of non-governmental organizations advocated political reform and openly criticized the government. This reflected a continued improvement in the government’s tolerance of dissent. In 2003, the Court of Cassation, ending a longstanding legal case that had broad implications for freedom of expression and human rights advocacy, acquitted Saad Eddin Ibrahim, director of the Ibn Khaldun Center, and codefendants on charges of defaming the state and illegally accepting foreign funds.

The constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There were numerous restrictions on legal entities that sought to establish their own newspapers, including a limit of 10 percent ownership by any individual; however, this limit appeared to have been enforced sporadically.

The government owned stock in the three largest daily newspapers, and the president appointed their top editors. These papers generally followed the government line. The government also controlled the printing and distribution of newspapers, including those of the opposition parties.

Opposition political parties published their own newspapers. Most opposition newspapers were weeklies, with the exception of the dailies *Al-Wafd*, *Al-Ahram*, and a new entrant, *Al-Ghad*, all of which had small circulation. Opposition newspapers frequently published criticism of the government. They also gave greater prominence to human rights abuses than did state-run newspapers.

The Penal Code, Press Law, and Publications Law govern press issues. The Penal Code stipulates fines or imprisonment for criticism of the president, members of the government, and foreign heads of state. The Press and Publication Laws ostensibly provide protection against malicious and unsubstantiated reporting. In recent years, opposition party newspapers have published articles critical of the president and foreign heads of state without being charged or harassed. However, the government continued to charge journalists with libel. An editor-in-chief found to be negligent could be considered criminally responsible for libel contained in any portion of the newspaper.

On April 13, Cairo Criminal Court sentenced in absentia three journalists from *El-Masry El-Youm* newspaper to one year imprisonment and a \$1750 (LE 10,000) fine in damages for libeling Mohamed Ibrahim Soliman, minister of housing, utilities, and urban communities. Abdel Nasser Ali, Youssef el-Aoumi, and Alaa Yaha Mohamed el-Ghatrify were convicted for reporting in August 2004 that police had searched the offices of Housing Minister Soliman and denied him access. The sentencing of the three journalists occurred despite President Mubarak’s February 2004 announcement of support for legislation barring courts from sentencing to jail those convicted of defamation or other publishing offenses. Notwithstanding the sentence, the three journalists remained free at year’s end.

During the year, the courts tried several prominent cases of libel, filed both by government officials and private citizens. On April 7, a Cairo court acquitted Magdi

Ahmad Hussayn, editor-in-chief of the suspended *Al-Sha'b* newspaper (the party publication of the frozen Socialist Labor Party), of charges that he had "abused and defamed" former agriculture minister Yusuf Wali by publishing a story on the Sha'b Web site charging that Wali had conspired with Yusuf Abdel Rahman, a former undersecretary in the Ministry of Agriculture, to import carcinogenic pesticides into the country.

On May 13, security forces arrested nine members of an Al-Jazeera news crew and detained them in the Lazoughly state security office for seven hours after the journalists attempted to cover a general meeting of the Cairo Judges' Club.

On June 20, EOHR issued a report condemning the May 25 assaults on journalists, and called for immediate government measures to address what EOHR described as a pattern of harassment and assault against journalists; regular disregard of the protections afforded to journalists under the Press Law; investigations of journalists by the public prosecutor's office; unmerited lawsuits against journalists; and judgments against journalists, including fines and prison sentences (see section 2.b.).

On November 9, Al-Jazeera journalist Ahmed Mansour was assaulted and beaten by two unidentified men as he prepared to interview an opposition politician. The Mansour case recalled a November 2004 incident, when unknown assailants abducted and beat Abdul Halim Qandil, editor of the Nasserist opposition party newspaper Al-Araby, and left him stranded naked on a desert highway. Qandil and many others in the media attributed the attack to elements of the State Security apparatus who were angered by Qandil's editorial calls for public opposition to the government. There was no action taken by the government during the year to address Qandil's complaint.

Only the cabinet can place a long-term ban on a foreign publication. The Ministry of Information is empowered only to ban particular issues or editions in the interest of public order. Under the law, the public prosecutor may issue a temporary ban on the publication of news related to national security. The length of the ban is based on the length of time required for the prosecution to prepare its case. Beginning in August, the government imposed a local news ban on reporting on security operations in the Sinai against suspects allegedly involved in the July terror bombings in Sharm El-Sheikh.

The law authorizes various ministries to ban or confiscate books and other works of art upon obtaining a court order. There were no court-ordered book confiscations during the year, but the government permitted greater confiscatory authority to Al-Azhar University and acted on its recommendations. In October, the government enforced a ban, formally recommended by the Islamic Research Council of Al-Azhar, of *Wahhabi Islam: From Revival and Reform to Global Jihad*, by Natana De Long-Bas, published by the American University in Cairo (AUC) Press. On October 8, the government informed AUC that all 1000 copies, held at Port Said, would be impounded because the book contained "information not in accordance with the principles of Islam." On December 22, AUC Press learned that the government had reversed its decision and would allow importation of the book.

The Ministry of Interior regularly confiscated leaflets and other works by Islamists and other critics of the state. Members of the illegal Muslim Brotherhood also were arrested in connection with publications (see sections 1.d. and 3). In many cases, the press reported that police confiscated written materials such as leaflets during the arrests.

Unlike in previous years, the Ministry of Interior did not prevent specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order (see section 1.f.). The cabinet may order the banning of works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace.

On February 8, the Ministry of Information censored an article on political reform in the English-language monthly *Egypt Today*, after already approving the article in a prepublication review. Several days after copies had already been on newsstands, distributors were forced to tear out four pages of the censored article before sales could resume. The article in question, "On the Hustings," discussed recent statements by political opposition figures indicating that they might run against President Mubarak in 2005, if the constitution were amended to allow for competitive, direct elections.

The government controlled and censored the state-owned broadcast media. The Ministry of Information owned and operated all ground-based domestic television and radio stations. Two private satellite stations, Al-Mihwar and Dream TV, began broadcasting in 2001 and have operated without direct government interference, although the government has a financial stake in both. The government did not block reception of foreign channels via satellite. The percentage of citizens who received

satellite television broadcasts has grown steadily but remained small, while many coffee shops and other public places offered satellite television.

Plays and films must pass Ministry of Culture censorship tests as scripts and final productions. The ministry censored foreign films to be shown in theaters, but was more lenient regarding the same films in videocassette or DVD format. Government censors ensured that foreign films made in the country portrayed the country in a favorable light.

Approximately five million persons in the country used the Internet. The government did not restrict Internet use, but selectively monitored it (see section 1.f.). According to a November HRW report, the government deserved recognition for its “ambitious program to expand Egyptians’ access to information over the Internet—with impressive results Many Egyptian human rights activists say that Internet access has considerably strengthened the reach and effectiveness of the movement in Egypt.” HRW also noted, however, that the Ministry of Interior, the prosecutor general, and the security services “detained individuals for their activities online, . . . monitored online communications without first obtaining search warrants . . .” and “have blocked Web sites associated with the Muslim Brotherhood . . . and the al-‘Amal (Labor) Party . . .”

In late October, SSIS in Alexandria arrested and detained without charge for several weeks a 21-year old Alexandria law student, Abdul Karim Nabil Soliman, apparently because his Internet Web log (“blog”) carried strongly worded attacks against Islam, the government, and the president. Soliman was released without charge.

The government did not explicitly restrict academic freedom at universities; however, the government selected deans rather than permitting the faculty to elect them. The government justified the measure as a means to combat Islamist influence on campus. A June HRW report was critical of the government’s efforts to limit academic freedom on campuses, saying that the government censored course books, outlawed research about controversial issues, and intimidated student activists. HRW also reported that the government failed to protect citizens from Islamist militants who publicly attack professors and students. According to HRW, government policies have led to an “environment of self-censorship,” occasional detention and abuse of student activists by state security forces, and interference by state-appointed deans with class discussions and selection of research topics.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The constitution provides for freedom of assembly; however, the government restricted the exercise of this right. Citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. Many demonstrations were not approved, and the government tightly controlled public demonstrations that did occur. Unlike in previous years, however, numerous, unauthorized demonstrations in support of political reform took place during the year, and security forces, while still strictly containing these events, generally took a more disciplined, observer role in permitting the demonstrations to take place. However, in response to anti-government demonstrations on May 25 and July 30, pro-government thugs and plainclothes security forces assaulted dozens of demonstrators, including women.

During the May 25 national referendum to revise the constitution, pro-government thugs, possibly including undercover security personnel, attacked and beat several groups of opposition protesters (including demonstrators affiliated with the Kifaya Movement) and journalists, and assaulted and sexually humiliated several women journalists and protesters.

On July 30, about 200 demonstrators gathered in Cairo following a call for assembly by the Kifaya and other opposition movements to protest President Mubarak’s intention to seek a fifth term. The protesters were attacked by uniformed security forces and men in plain clothes armed with truncheons. The demonstrators had sought to assemble in the downtown Tahrir Square, but when they arrived the square was closed off by security forces, which forced them to disperse into several groups heading to several parts of the city. There, numerous demonstrators, including human rights activists, were beaten and dragged along the ground. Thirty persons were arrested and reportedly detained in unofficial detention centers, in the camps of the central security forces in Darassa, Cairo. By August 2, all of the detainees had been released.

In general, the year was marked by an increasing number of political demonstrations across Egypt, particularly those organized by Kifaya and the Muslim Brotherhood; most were marked by some degree of government interference. The Ministry of Interior generally deployed a disproportionate number of riot police to contain both the size and effectiveness of the demonstrations. A pattern of arresting dem-

onstrators, detaining them for at least 15 days “pending further investigation” emerged, particularly in cases of unauthorized rallies and especially those occurring near or around parliament.

In a number of unauthorized demonstrations, police detained suspected organizers, some of whom alleged mistreatment while in detention (see sections 1.c. and 1.d.).

The Kifaya movement organized numerous demonstrations throughout the year, including a March 30 protest where 300 to 400 demonstrators gathered in front of the Press Syndicate building in Cairo demanding a repeal of the emergency law and holding banners rejecting another term for President Mubarak. In late April, Kifaya held demonstrations simultaneously in 13 cities under the banner “no constitution without freedom.” Hundreds of riot police and security forces surrounded demonstrators, arresting 50 in Cairo and over 100 in other governorates. There were reports that security forces used batons and clubs to beat back demonstrators, while sealing off roads to break up the demonstrations (see section 1.d.).

On February 24, ten unidentified thugs in tracksuits disrupted a meeting, organized by the Word Center for Human Rights, at Cairo’s Pyramisa Hotel. The thugs threatened participants, overturned tables, and took cell phones and petty cash belonging to some of the participants. The meeting, which was attended by members of the al-Ghad Party (whose leader Ayman Nour had been detained on forgery charges on January 29), was focused on the prospects for constitutional reform to permit the direct election of the president. Although the identities of the thugs were never determined, eyewitnesses said that their appearances and speech suggested that they were members of the security forces.

Members of the MB also staged a number of larger protests throughout the year, though these demonstrations, unlike those of Kifaya, often met stiff resistance from security forces (see section 1.d.).

On March 27, central Cairo came to a standstill as the government deployed thousands of riot police to thwart a major demonstration by the Muslim Brotherhood. On May 4, MB members and sympathizers, reported to number in the thousands, conducted simultaneous demonstrations in Cairo and six other governorates. In response, the government arrested four hundred demonstrators, according to an interior ministry announcement.

Other groups also organized demonstrations, and the government responded in similar fashion. On March 28, Cairo police dispersed demonstrators in front of the People’s Assembly building in downtown Cairo demanding reform and the rewriting of the constitution. Fifty protesters were arrested.

On January 28, media and NGO sources reported that 500 demonstrators gathered outside El-Arish’s central mosque. Among the protesters were female family members of Sinai residents who had been detained by the government during the investigation into the October 2004 bombings. The protesters called for release of those arrested during the investigation. The security forces used tear gas to disperse the crowd.

Through the winter and early spring, family members of detainees continued to engage in regular protests. For example, on April 8, 140 women, many of them relatives of citizens arrested after the October 2004 bombings in the Sinai peninsula, held a sit-in in the leftwing Tagamu party’s headquarters in the northern town of El-Arish to protest arbitrary detentions. The Ministry of Interior deployed 500 riot police to counter the protest.

On April 19, dozens of university professors in Cairo, Minya, and Assiyut, calling themselves “professors for change,” conducted public demonstrations on their respective campuses to protest the presence and interference of the SSIS in campus life.

On May 10, Cairo University professors staged a symbolical sit-in strike to protest the detention of two fellow professors on charges of membership of the Muslim Brotherhood organization.

In early May, Ayman Nour and other al-Ghad Party figures reported that Nour’s efforts to campaign for president had been disrupted by unidentified thugs who hurled bottles, insults, and garbage when he visited Nile Delta locations.

On May 31, the public prosecutor vowed to investigate allegations of beatings and sexual assaults of demonstrators and journalists, including women, during the May 25 constitutional referendum. Twenty-two leading human rights NGOs, including EOHR and HRAAP, in conjunction with the Journalists’ Syndicate, called for a full investigation into the attacks and the removal of the minister of interior. By year’s end, the public prosecutor had suspended the investigation, asserting that “there (was) no evidence declaring the doer of the assaults,” (i.e., the case could not be pursued because it was impossible to determine the identities of those who committed the assaults).

The Ministry of Interior selectively obstructed some meetings scheduled to be held on private property and university campuses (see section 4).

On a number of occasions, worshippers at the Al-Azhar mosque in Cairo held mainly impromptu demonstrations at the conclusion of Friday prayers. These were tolerated but carefully watched by the government.

Freedom of Association.—The constitution provides for freedom of association; however, the government significantly restricted the exercise of this right. The minister of insurance and social affairs has the authority to dissolve NGOs by decree. The law also requires NGOs to obtain permission from the government before accepting foreign funds. According to government officials, funds from foreign government donors with established development programs in the country were excluded from this requirement.

During the year, a number of organizations active in human rights advocacy and civil society development were allowed to register and thus became officially recognized. However, several other groups, including the Egyptian Association Against Torture, the Center for Housing Rights, and the Word Center, continued to face opposition from the government in their effort to register as NGOs. During the year dozens of NGOs and civil society groups worked together in three major coalitions and several smaller groupings to pool resources, expertise, and volunteer staff to monitor and report on the presidential and parliamentary elections. These groups did not generally receive the governmental accreditation and access to polling stations and vote counts that they requested, and in a number of cases they reported harassment, brief detentions for questions by security officials, and other forms of interference. The domestic monitoring coalitions were nevertheless able to play a leading role in monitoring and reporting on the presidential and parliamentary elections.

Under legislation governing professional syndicates, at least 50 percent of the general membership of an association must elect the governing board. Failing a quorum, a second election must be held in which at least 30 percent of the membership votes for the board. If such a quorum is unattainable, the judiciary may appoint a caretaker board until new elections can be scheduled. The law was adopted to prevent well-organized minorities, specifically Islamists, from capturing or retaining the leadership of professional syndicates. Members of the syndicates have reported that Islamists have used irregular electoral techniques, such as physically blocking polling places and limiting or changing the location of polling sites.

A July HRW report concluded that the extralegal role of the security services resulted in a serious barrier to meaningful freedom of association. The report documented multiple cases where the government rejected NGO registrations, decided who could serve on NGO boards of directors, harassed NGO activists, and interfered with donations reaching the groups. The report further criticized the NGO Law's restriction on political and union-related activity and recommended legal reform to overturn the "host of intrusive administrative practices that stunt organizing by civil society groups, and provide ample means for state interference in their affairs."

c. Freedom of Religion.—The constitution provides for freedom of belief and the practice of religious rites; however, the government placed restrictions on the exercise of these rights. According to the constitution, Islam is the official state religion and Shari'a (Islamic law) the primary source of legislation. Religious practices that conflict with the government's interpretation of Shari'a are prohibited. Members of the non-Muslim religious minority officially recognized by the government generally worshiped without harassment and maintained links with coreligionists in other countries; however, members of religions not recognized by the government, particularly the Baha'i Faith, experienced personal and collective hardship. Most citizens (approximately 90 percent) are Sunni Muslims. There is a very small number (a fraction of 1 percent) of Shi'a Muslims. The percentage of Christians in the population ranged from the government's unofficial estimate of 8 percent (approximately 5.6 million) to Christian estimates of 12 to 15 percent (approximately 8.6 to 10.8 million), the majority of whom belonged to the Coptic Orthodox Church. There were small numbers of other Christian denominations, including Mormons and Jehovah's Witnesses, a Baha'i community of approximately 2,000 persons and a small Jewish community of less than 200 persons.

All mosques must be licensed, and the government attempted to supervise them closely for the stated purpose of combating extremists. The government appoints and pays the salaries of the imams who lead prayers in mosques, and it monitors their sermons; however, it does not contribute to the funding of Christian churches. During the year, the Minister of Awqaf announced that of the more than 92,500 mosques in the country, the government administratively controlled 74,500 regular mosques and 18,000 *zawaya* (smaller mosques located in private buildings). The

government annexes new mosques every year, but the process did not keep pace with new mosque construction; however, a February 2004 decree from the Minister of Awqaf deprived governors of unilaterally issuing permits to build mosques and placed mosques in private homes under Awqaf administrative control.

Local government officials continued to prevent new churches from being built, often requiring an exhaustive list of documents to be submitted multiple times between administrative and security departments of governorates, in repeated attempts to preclude final authorization, despite presidential and interior ministry approvals for a building permit to be issued. As a result, congregations have experienced lengthy delays—lasting for years in many cases—while waiting for new church building permits to be issued. Authorities have also refused to issue decrees for restoration, renovation, and expansion of churches, or have failed to enforce decrees that have already been approved. Local authorities have also closed down unlicensed buildings used as places of worship.

According to statistics in the government's Official Gazette, 12 presidential decrees were issued from July 1, 2004 through June 30, 2005, for church-related construction, compared with 7 permits reported during the previous period; half of these 12 permits were for evangelical Christian churches, 5 for Coptic churches, and 1 for a Catholic church. The government also reported that 20 new churches were built in 11 governorates during 2004–05 and that 23 churches were renovated during the same period. Government officials have previously asserted that the government approves a much larger number of projects for church construction and expansion, through informal arrangements between church authorities and local security and administrative officials. Overall, the approval process for church construction continued to be hindered by delays often measured in years.

Despite decrees issued by President Mubarak in 1998 and 1999 to facilitate approvals for repairing, renovating, expanding, and building churches, societal attitudes long nurtured by the 1856 Hamayouni decree and the 1934 El-Ezabi decree, and encouraged by some local security and governmental officials, continued to hinder efforts by Christians to obtain the permits required for such construction.

On December 9, updating the 1998–99 decrees, President Mubarak issued a new decree that devolved church repair and reconstruction decisions to the governorate level and stipulated that churches would be permitted to proceed with rebuilding and repair simply by notifying the governorate administration in writing. Permits for construction of new churches remained subject to presidential decree.

Numerous complaints of delayed church construction and repair projects continued to be reported during the period covered by this report. Elements within the government, often local administrative or security officials, continued to impede church repair and construction projects.

Although the National Council for Human Rights did not give significant attention in its report to issues of religious freedom, it submitted a total of 27 requests to the Ministry of Interior and several governorates in Upper Egypt requesting action on numerous complaints it had received concerning alleged violations of religious freedom. Twenty-three of the requests the Council submitted dealt with church repair and construction; however, according to the Council's report, the ministry had not responded to any of the requests.

On July 6, the Administrative Judiciary Court in Alexandria annulled a decree issued by the Minister of Information banning the appearance of veiled anchorwomen in television programs. The court established that the Ministry of Information's decree violated Article 47 of the constitution, which guarantees freedom of religion.

Rulings concerning marriage, divorce, alimony, child custody, and burial, are based on an individual's religion. In the practice of family law, the government recognizes only the three "heavenly religions": Islam, Christianity, and Judaism. Muslim families are subject to Shari'a, Christian families to Canon law, and Jewish families to Jewish law. In cases of family law disputes involving a marriage between a Christian woman and a Muslim man, the courts apply Shari'a. The government does not recognize the marriages of citizens adhering to faiths other than Christianity, Judaism, or Islam. Some citizens who sought to formalize marriages not recognized under Egyptian law resorted to travel abroad to countries that would allow them to marry under civil law.

Neither the constitution nor the Civil and Penal Codes prohibits proselytizing, but those accused of proselytizing have been harassed by police or arrested on charges of violating Article 98(F) of the Penal Code, which prohibits citizens from ridiculing or insulting "heavenly religions" or inciting sectarian strife.

There are no legal restrictions on the conversion of non-Muslims to Islam; conversion of Muslims to Christianity, however, is prohibited by Shari'a. There were occasional reports that police harassed those who had converted from Islam.

In April 2004, an administrative court issued a verdict allowing Mona Makram Gibran, who had converted to Islam and later converted back to Christianity, to recover her original (Christian) name and identity. Some legal observers believed the case would constitute a significant precedent as the government has otherwise refused to acknowledge citizens' conversions from Islam to Christianity. During the year, there were at least 49 other cases involving individuals who converted to Islam and then back to Christianity, who are currently attempting to recover their original Christian identities. Approximately 8 of these 49 individuals have received verdicts allowing them to recover their Christian identities. The Ministry of Interior has appealed two of these cases, which were before the Supreme Administrative Court at year's end.

With the exception of the eight above-mentioned cases, resistance to such conversions by local officials constituted a prohibition in practice. In the absence of a legal means to register their change in religious status, some converts have resorted to soliciting illicit identity papers, often by submitting fraudulent supporting documents or bribing the government clerks who process the documents. In such cases, authorities periodically charge converts with violating laws prohibiting the falsification of documents.

Under Shari'a, as practiced in the country, non-Muslim males must convert to Islam to marry Muslim women, but Muslim men need not convert to marry Christian women. A non-Muslim wife who converts to Islam must divorce her "apostate", non-Muslim husband, if he refuses to convert as well. Custody of children is then awarded to the mother. In general, the minor children of converts to Islam, and in some cases adult children, are automatically classified as Muslims in the eyes of the government irrespective of the religion of the other spouse. This is in accordance with the government's interpretation of Shari'a, which dictates "no jurisdiction of a non-Muslim over a Muslim."

In April, the Family Court granted the divorce of Wafaa Riffat Adly, a Christian woman who had converted to Islam, from her Christian husband Said Farouk Adly after he refused to convert.

The Coptic Orthodox Church excommunicates women members who marry Muslim men and requires that other Christians convert to Coptic Orthodoxy to marry a member of the Church. In cases where a non-Muslim woman wishes to convert to Islam, civil laws require her to meet with her family, her priest, and the head of her church before she is allowed to convert.

Coptic males are prevented from marrying Muslim women by both civil and religious laws. A civil marriage abroad is an option should a Christian male and an Egyptian Muslim female desire to marry; however, if the couple returned to Egypt, their marriage would not be legally recognized. Additionally, the woman could be arrested and charged with apostasy, and any children from such a marriage could be taken and assigned to the physical custody of a male Muslim guardian, as determined by the government's interpretation of Shari'a. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.

There were no reports of forced religious conversion carried out by the government; however, there were again unsubstantiated reports of forced conversions of Coptic women and girls to Islam by Muslim men. Reports of such cases were disputed and often included inflammatory allegations and categorical denials of kidnapping and rape. Observers, including human rights groups, found it extremely difficult to determine whether compulsion was used, as most cases involved a Coptic female who converted to Islam when she married a Muslim man. Reports of such cases almost never appear in the local media.

While there is no legal requirement for a Christian girl or woman to convert to Islam to marry a Muslim man, conversion to Islam has been used to circumvent the legal prohibition on marriage under the age of 16 or marriage between the ages of 16 and 21 without the approval and presence of the girl's male guardian (usually her father). The law only recognizes the willing conversion to Islam of any person over age 16. However, there are credible reports of local government authorities failing to uphold the law. Local authorities sometimes allow custody of a minor Christian female who "converts" to Islam to be transferred to a Muslim custodian, who is likely to grant approval for an underage marriage. Some Coptic activists maintain that government officials do not respond effectively to instances of alleged kidnapping. In cases of marriage between an underage Christian girl and a Muslim man, there have been credible reports that government authorities have failed to sufficiently cooperate with Christian families seeking to regain custody of their daughters.

Inheritance laws for all citizens are based on the government's interpretation of Shari'a. Muslim female heirs receive half the amount of a male heir's inheritance,

while Christian widows of Muslims have no inheritance rights. A sole heiress receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, this assistance is not always provided. Under Shari'a, converts from Islam lose all rights of inheritance; however, because the government offers no legal means for converts from Islam to Christianity to amend their civil records to reflect their new religious status, inheritance rights will, therefore, appear not to have been lost.

Article 19 of the constitution requires elementary and secondary public schools to offer religious instruction. Public and private schools provide religious instruction according to the faith of the student.

The government occasionally prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities were believed to jeopardize communal harmony. On March 31, the Maadi misdemeanor court issued a verdict in a blasphemy case involving Ibrahim Ahmad Abu Shusha and 11 of his followers, who had been detained without an arrest warrant since July 2004. The court sentenced Abu Shusha to three years' imprisonment for claiming to be divine and for ridiculing a heavenly religion, namely Islam. The court sentenced the 11 other defendants (including three women, two of whom are Abu Shusha's wives) to one year's imprisonment and ordered the leaflets and writings propagating the group's ideology confiscated. The court reasoned that there was sufficient evidence to show that Abu Shusha embraced beliefs contrary to and derogatory of Islam and that he tried to propagate those beliefs by attempting to show that he possessed divine powers. The court also asserted that freedom of belief does not constitute permission to deny the principles of heavenly religions. An appeals court reaffirmed the Abu Shusha sentences on July 16.

In May 2003, SSIS arrested Metwalli Ibrahim Metwalli Saleh. Metwalli's unpublished research, which he distributed to religious scholars and several embassies prior to his arrest, refuted the idea that it is a Muslim's religious duty to kill an "apostate" and also argued that Islam permits a Muslim woman to marry a non-Muslim man. SSIS detained Metwalli, a graduate of Al-Azhar University, without charge for nearly two months until July 2003 when he was charged by the State Security Prosecutor with "contempt of Islam" under Article 98(f) of the Penal Code. Following an investigation, the state security prosecutor ordered Saleh released in late October 2003; however, the Ministry of Interior continued to detain him under the Emergency Law. After each of five separate rulings from the Supreme State Security Emergency Court ordering his release—the most recent of which occurred on June 30—the ministry renewed the detention order under the Emergency Law. There were credible reports that Metwalli's wife and son were harassed and threatened at home in late June by SSIS officers, following demonstrations against Metwalli's continued detention. Metwalli remained in detention in Al-Wadi al-Gadid Prison, near Assiut, at year's end.

Shiite Muslim Mohamed Ramadan Hussein El-Derini, arrested in March 2004 apparently because of his religious beliefs, was released in June after having spent 15 months in administrative detention without charge or trial. Derini was freed following four separate rulings by the Supreme State Security Emergency Court ordering his release and an advisory opinion issued by the UN Working Group on Arbitrary Detention. Following each ruling by the court, the minister of interior issued a new administrative detention decree, under the Emergency Law, nullifying the court's release order. There were credible reports that the SSIS repeatedly tortured and mistreated Derini in custody. Derini's arrest came in the wake of the arrests of at least eight other Shi'a Muslims in December 2003 in the Red Sea coastal town of Ras Gharib, again apparently due to their affiliation with Shi'a Islam, which is not officially recognized by the government but acknowledged as a branch of Islam by Al-Azhar. The other detainees were released in 2004 after detention periods ranging from several weeks to eight months.

The Islamic Research Center of Al-Azhar University has authority to recommend that the government censor books on religious grounds. It did so during the year (see section 2.a.).

Societal Abuses, Discrimination and Anti-Semitism.—There generally continued to be religious discrimination and sectarian tension in society during the year. Tradition and some aspects of the law discriminated against religious minorities, including Christians and particularly Baha'is.

Article 40 of the constitution provides for equal public rights and duties without discrimination based on religion or creed, and in general the government upholds these constitutional protections; however, government discrimination against non-Muslims exists. There are no Christians serving as presidents or deans of public universities and they are rarely nominated by the ruling party to run in elections

as NDP) candidates. At year's end, there were 6 Christians (5 appointed; 1 elected) in the 454-seat People's Assembly; 6 Christians (all appointed) in the 264-seat Shura Council; and 2 Christians in the 32-member Cabinet. Christians, who represent approximately 10 percent of the population, currently hold less than 2 percent of the seats in the People's Assembly and Shura Council.

There also are few Christians in the upper ranks of the security services and armed forces. Government discriminatory practices continued to include discrimination against Christians in public sector employment, in staff appointments to public universities, by payment of Muslim imams through public funds (Christian clergy are paid by private church funds), and by refusal to admit Christians to Al-Azhar University (a publicly-funded institution). In general, public university training programs for Arabic language teachers refuse to admit non-Muslims because the curriculum involves the study of the Qur'an. There have been no reports of Christian graduates since 2001.

In October, sectarian tensions erupted in the Muharam Bek area of Alexandria after Muslim protests sparked by the earlier production at the Mar Guirguis Church of a play, which allegedly blasphemed Islam and which had been distributed on DVD. On October 19, a lone Muslim man assaulted a novice and a lay worker at the church. On October 21, after Friday prayers, a large crowd gathered outside the church. After some in the crowd threatened the church, security forces used tear gas and rubber bullets to disperse the crowd. Three Muslim protesters died in the ensuing violence.

In December 2004, a three-way standoff at Cairo's Abbasiya Cathedral involving Christian protesters, orthodox church officials, and security forces ended with the return of Wafaa' Constantin, the wife of a Coptic Orthodox priest in the Nile Delta province of Beheira, to the protective custody and supervision of the church following her apparent elopement with a Muslim man in late November. Although dozens of protesters and police were injured during the standoff, police did not respond with decisive force and made a notable effort to cooperate with church authorities. Church officials admitted in a December 10 press conference that Wafaa' had not been forced to convert to Islam against her will. During the year, Wafaa' reportedly remained in seclusion in a Coptic Orthodox facility.

In 2000, Shayboub William Aarsal, a Coptic Christian, was convicted and sentenced for the 1998 murders of two Copts in al-Kush. His appeal, which has been pending for 5 years, had still not been heard by year's end. There was a widespread perception in the local Christian community that Shayboub was convicted because of his religion.

Egypt's small Jewish community numbers approximately 200, most of them senior citizens. Anti-Semitic sentiments appeared in both the pro-government and opposition press; however, there have been no violent anti-Semitic incidents in recent years. Anti-Semitic articles and opinion pieces appeared in the print media, and similar editorial cartoons appeared in the press and electronic media. For example, Nile Culture TV on November 27 broadcast a program entitled "A Study of Israel's History" wherein the narrator said that Jews "extorted the world by exaggerating what was done to them in World War II, and they are still benefiting from this extortion, in the form of money and aid, from countries that still have a guilt complex regarding Hitler's crematoria—for which there is no proof, except for the Zionists' propaganda." The program also presented the views of journalist Mohammad Al-Qudussi, who said, "in the six years or so of World War II, it is not possible that six million Jews could have been burnt."

On December 12, columnist Hisham Abd Al-Rauf, in an article entitled "Israel's Lies" in the government-controlled evening newspaper Al-Masaa, asserted that Nazi gas chambers "were no more than rooms for disinfecting clothing." Addressing Western governments Abd Al-Rauf asked, "If you feel sorry of the poor Jews, why don't you establish their country on your lands?"

The government reportedly has advised journalists and cartoonists to avoid anti-Semitism. Government officials insist that anti-Semitic statements in the media are a reaction to Israeli government actions against Palestinians and do not reflect historical anti-Semitism; however, there are few public attempts to distinguish between anti-Semitism and anti-Israeli sentiment.

In January Jewish pilgrims celebrated the Rabbi Abu Hasira festival in the Nile Delta. The festival had not been celebrated during the previous three years after court decisions ruled that the site was not a protected antiquity.

The government continued to deny civil documents, including ID cards, birth certificates, and marriage licenses, to members of the Baha'i community. Law 263 of 1960, still in force, bans Baha'i institutions and community activities, and a 1961 Presidential decree stripped Baha'is of legal recognition. The problems of Baha'is, who number fewer than 2,000 persons, have been compounded since the Ministry

of Interior began to upgrade its automation of civil records, including national identity cards. The government asserted that its new software requires all citizens to be categorized as Muslims, Christians, or Jews, although some Baha'is initially received identity cards that listed their religion as "other." During the year, Baha'is and members of other religious groups were compelled either to misrepresent themselves as Muslim, Christian or Jewish, or go without valid identity documents. Most Baha'is have chosen the latter course. The government's unwillingness to issue Baha'is identity cards and other necessary documents made it increasingly difficult for Baha'is to register their children in school, to open bank accounts, and to register businesses. At the end of 2004, some Baha'is reported that government representatives had offered them passports but no other documents. Police, often on public buses, conduct random inspections of identity papers, and anyone without an ID card risks arrest and detention until the document is provided to the police. Some Baha'is, unable to receive identity cards, choose to stay home to avoid possible arrest.

In 1997, a human rights activist filed a lawsuit seeking the removal of the religious affiliation category from government identification cards. The plaintiff challenged the constitutionality of a 1994 decree by the minister of interior governing the issuance of new identification cards. A hearing scheduled for February 25 never took place. The court informed the attorney for the plaintiff that the case documents had been withdrawn and forwarded to the president of the State's Council, a highly unusual procedure. A new hearing date set for October 14 did not take place. By year's end, there had been no additional progress.

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 notable exceptions. Citizens and foreigners were free to travel within the country, except in certain areas designated as military zones. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed under special circumstances. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel. Married women no longer legally require the same permission from their husbands; however, in practice police reportedly still required such permission in most cases (see section 5). Citizens who left the country had the right to return.

The constitution prohibits forced exile, and the government did not use it during the year.

The constitution includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. Apart from a 1954 agreement with UNHCR and two "technical decrees" from the Ministry of Interior relating to residence and travel, Egypt has no national legislative framework on asylum. The government generally did not issue work permits to refugees. The government admitted refugees on the understanding that their presence in the country was temporary. Because the country lacked national legislation or a legal framework governing the granting of asylum, UNHCR assumed full responsibility for the determination of refugee status on behalf of the government; however, the January 2004 peace accord in the Sudan led the UNHCR to halt new refugee status determinations in mid 2004. This led to protests by some Sudanese who sought refugee status and resettlement. The UNHCR provided recognized refugees with a refugee identification card that was considered a residence permit and bore the stamp of the national authorities. Refugees generally may not obtain citizenship.

During the year, approximately 31,000 recognized refugees (as well as individuals presenting asylum claims to UNHCR), resided in the country. Approximately 23,500 of these individuals were Sudanese nationals. (In addition, as many as 70,000 Palestinian refugees were registered with government authorities.) A total of 13,500 Sudanese were registered with UNHCR as refugees, but another 10,000 registered asylum seekers who sought formal refugee status. UNCHR halted refugee determinations in June 2004, after the January 2004 Sudanese peace accords, and ceased consideration of applications by Sudanese for resettlement abroad. Sudanese nationals protesting this decision periodically organized peaceful demonstrations. During random security sweeps the government periodically detained some refugees who were not carrying proper identification. Following intervention by the UNHCR, the refugees were released. Sudanese refugees, as well as those Sudanese who unsuccessfully sought refugee status, were part of a much larger community of Sudanese residents, many in Egypt illegally. Estimates of the total number of Sudanese range

from two to four million. Many Sudanese legally enter Egypt with short-term visas and then decide to remain.

In the early hours of December 30, security forces attempted to disperse several thousand refugees who had occupied a squatters camp since September in a small city park in the Mohandiseen district of Cairo near the UNHCR office. The refugees were protesting the UNHCR's decision in June 2004 to end processing of refugee determinations after the January 2004 peace accord in Sudan. At least 27 refugees died after police used water cannons and batons to force the refugees from the park. Refugees and human rights activists criticized the government for unnecessary use of force. The government contended that the deaths were the result of a stampede by panicked refugees, some of whom the government alleged were intoxicated, and that 74 police officers were injured. At year's end, the situation remained unresolved, with the government indicating that it might repatriate some of the refugees, and UNHCR and the international community urging the government not to repatriate any refugees who did not wish to return to Sudan.

There were occasional reports that human rights activists as well as members of the Muslim Brotherhood were briefly detained for questioning at international ports of entry and departure.

In late May, playwright Ali Salaam, known for his controversial stance on normalizing cultural ties with Israel, said he was prevented from leaving Egypt to receive a prize at an awards ceremony in Israel. Salaam, who was expelled from the Egyptian writers' union in 2001 for his pro-Israel stance, had caused controversy earlier in the year when he attended a conference in Israel on information technology in the Middle East. According to Salaam, passport authorities at both the Taba border crossing and at Cairo airport refused to permit him to exit on the grounds that he did not possess an "Authorization to Leave the Territory," a government-issued document required for workers suspected of traveling on a tourist visa but planning a long-term stay abroad. Political figures deemed controversial by the state are occasionally also refused permission to go abroad on the grounds that they do not possess the authorizations.

In December, MB leader Essam El-Erian was reportedly denied permission to travel to Lebanon and Morocco to participate in regional democracy meetings.

The disappearance of Yemeni dissident Ahmed Salem Ebeid, who ECHR alleged was sent by the government to Yemen, may have involved the forced return of a person to a country where he feared prosecution (see section 1.b.).

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

Elections and Political Participation.—Article 76 of the constitution, as amended on May 25, provides for a multi-candidate presidential election to be held every 6 years, replacing the referendum system in place since 1952. On September 7, in the country's first competitive presidential election, President Hosni Mubarak was elected to a fifth 6-year term, defeating nine other candidates representing political opposition parties. The government announced that Mubarak received 88 percent of the vote and that Ayman Nour of the Al-Ghad party, in winning 7 percent, had placed second.

Observers also noted a number of improvements in the electoral process compared to previous referenda. The election marked the first opportunity to select a president in a competitive process. Multiple political parties fielded candidates, and the campaign, though short, was marked by vigorous and uncensored public debate, and greater political awareness and engagement. Opposition coverage by the media was significant. Domestic election monitors and civil society groups were permitted, albeit only after the actual start of the polling, to observe the electoral process at some polling stations, and these groups were able to play a substantial oversight role despite operating in less-than-ideal conditions. Security forces acted with restraint, discipline, and impartiality—and cooperated in ensuring the safety of the domestic monitors; and there was virtually no violence either during the campaign or on election day.

Despite these improvements, press reports, voters, opposition groups, and civil society monitors also cited violations and fraud during the presidential election, including observations that NDP representatives were in control of many polling stations and pressured voters to support Mubarak; that sitting NDP parliamentarians mobilized voters by providing them transport and by using small bribes or threats to win votes for Mubarak; that voter lists were outdated and included the names of deceased persons; that nonresident or unregistered voters were allowed to vote for Mubarak and husbands were able to cast illegal proxy votes for their wives; that the NDP had exclusive control over voter lists in some areas and refused to make the lists available to all competing parties; that some polling places were located in

police stations; that the indelible ink used to mark voters' fingers was applied inconsistently and easily rubbed off; that there was confusion over voter registration, including who was registered and where persons were supposed to vote; that voters could not register to vote after January; and that the Presidential Election Commission, a nine-member body tasked with overseeing the election, suffered from a lack of transparency and accountability. Additionally, the government barred international election observer missions from observing the election. Domestic election monitors, using statistical sampling, said that voter turnout was lower than the 23 percent turnout reported by the government.

Under the amendment to article 76 of the constitution, approved on May 10 by the People's Assembly (PA) in a 405–49 vote and subsequently ratified in a May 25 national referendum, licensed and operating (not suspended) political parties can nominate candidates for the presidency, provided they have been in legal status as recognized parties for 5 continuous years and secured at least 5 percent of the elected seats in each of the PA and the Shura Council in the most recent parliamentary elections. A grandfather clause exempted currently licensed (and operating) parties from both the 5 percent representation and 5-year-existence rules for the 2005 presidential election only. Fourteen of the country's 18 licensed opposition political parties met the licensing and operating requirements; however, none would have qualified to field candidates in the presidential election without the one-time exemption clause, as no opposition party held the required 5 percent of elected seats in parliament.

The amendment also provides that candidates unaffiliated with political parties may run for president, provided they secure endorsements from at least 250 elected officials, to include at least 65 of the 444 elected members of the PA, at least 25 of 88 elected members of the Shura Council, and at least 10 elected members of local councils in each of at least 14 of 26 governorates. No independent candidates competed in this year's presidential election.

Presidential candidates were required to submit nomination applications to the Presidential Election Commission (PEC), a nine-member quasi-judicial body tasked with approving candidates and supervising the presidential election. Of the applications received, the PEC determined that 10 candidates, all nominees of established political parties, were qualified to run. The constitutional amendment stipulates that the PEC's decisions are final and not subject to dispute or appeal.

The Presidential Elections Law, as ratified by parliament, implemented the constitutional amendment and governed the presidential election on September 7. The law provided for the nine-member PEC, chaired by the President of the Supreme Constitutional Court and including three senior jurists and five other judges, to supervise the presidential election. The law also sets rules for campaign spending limits, mandates equal access to state media, and specifies the types of documents candidate hopefuls must submit to the PEC as part of the required election nomination application process.

Following the May 25 referendum on the constitutional amendment, parliament ratified several other laws which affected the functioning of the electoral system. The new Political Rights Law revised provisions of Law 73 of 1956 and established a ten-member Parliamentary Election Commission, headed by the minister of justice to oversee parliamentary elections. The law also set rules for establishing and updating voter lists, regulating campaigns, processing and announcing election results, and penalties for election-related fraud.

The Political Parties Law revised Law 40 of 1977, and increased the number of members required to form a new political party from 50 to 1,000. The law also expanded the membership of the Shura Council's Political Parties Committee (PPC), which reviews and approves or rejects applications by prospective political parties and may also withdraw recognition from existing parties, by adding six members from the general public, three of whom should be retired members of the judiciary. The law also provided that prospective new parties would be able to consider their submitted applications approved if, after 90 days, they are not officially rejected. In addressing foreign funding, the law prohibits political parties from accepting "any donation, privilege, or benefit from any foreigner (including Egyptian dual nationals) . . . or any foreign body or international body." Finally, the law offered government funding of LE 100,000 (\$17,000) to each political party, plus LE 5000 (\$870) for each parliamentary seat won by a party, to a maximum of LE 500,000 (\$8,700) for each party. The law also requires that no party can be licensed unless it offers a "unique and distinct program that enriches political life," or that new parties' programs must significantly differ from those of existing parties, which is the provision most commonly cited by the PPC for rejecting a party licensing application.

The Parliamentary Affairs Law governs the conduct of members of parliament and the qualifications required to hold a seat. The law requires that to serve in par-

liament, candidates born before 1970 must be able to read and write but those born after 1970 most also have an elementary education certificate. The law forbids parliamentary candidates from using places of worship, schools, or universities as campaign venues and forbids candidates from accepting foreign funds, including funds from citizens residing abroad.

The elections for the 444 open seats of the People's Assembly took place in three stages between November 9 and December 7. The first round in the greater Cairo area occurred peacefully, but there were multiple confirmed reports of vote buying and charges of vote rigging. Presidential runner-up Ayman Nour lost his parliamentary seat in a race against a recently-retired state security officer. Nour's camp alleged government fraud. Independent candidates allied with the banned but tolerated Muslim Brotherhood won 35 seats out of the 160 in play in the first round.

The second round of the parliamentary elections, which included Alexandria, witnessed violence by government supporters against opposition voters, sporadic police cordons intended to limit access to polling stations, and additional wins for independent Islamist candidates linked with the MB.

The third round of the parliamentary elections was marred by widespread police cordons at polling stations aimed at limiting opposition voters, as well as multiple clashes between police and opposition voters which left at least eight persons dead. The NDP retained its overriding majority in the new parliament but now faces 88 independent deputies allied with the outlawed Muslim Brotherhood and a handful of other opposition deputies.

Following the parliamentary elections, the NDP preserved its dominance of the 454-seat People's Assembly, the 264-seat Shura Council, local governments, the mass media, labor, and the large public sector, and controlled the licensing of new political parties, newspapers, and private organizations.

The People's Assembly debated government proposals, and members exercised their authority to call cabinet ministers to explain policy. The executive initiated almost all legislation. The Assembly exercised limited influence in the areas of security and foreign policy and retained little oversight of the Ministry of Interior's use of Emergency Law powers. Many executive branch initiatives and policies were carried out by regulation through ministerial decree without legislative oversight. Individual voting records were not published, and citizens had no independent method of checking a member's voting record.

The Shura Council, the upper house of parliament, has 264 seats. The constitution provides that two-thirds of the members are elected and one-third are appointed by the president.

In addition, during the year, a variety of other aspirant political parties sought legal recognition from the courts or the PPC.

On April 28, the Shura Council's Political Parties Committee rejected the request submitted by Tareq Imam Muhamad Mustafa to establish the "Socialist Democratic Freedom Party."

The Political Parties Law prohibits political parties based on religion, and the MB remained an illegal organization; however, MB members openly and publicly expressed their views. They remained subject to government pressure (see section 1.d.). A total of 88 candidates affiliated with the MB were elected to the People's Assembly as independents. There were 6 women elected to the 454-seat People's Assembly, as well as 5 women appointed. Two women served among the 32 ministers in the cabinet.

There were 6 Christians (5 appointed; 1 elected) in the 454-seat People's Assembly; 6 Christians (all appointed) in the 264-seat Shura Council; and 2 Christians in the 32-member Cabinet. Christians, who represent approximately 10 percent of the population, currently hold less than 2 percent of the seats in the People's Assembly and Shura Council.

Government Corruption and Transparency.—Despite a paucity of evidence, there was a widespread public perception of corruption in the executive and legislative branches. Corruption was a regular theme for opposition media speculation, and it emerged as a central campaign theme for the opposition during both the presidential and parliamentary elections. Kamal El-Shazly, who served as minister for parliamentary affairs until his removal in the December cabinet reshuffle, and Ibrahim Soliman, who served as minister of housing until his removal in the same reshuffle, have been dogged over the years by persistent but unproven allegations of corruption. Despite their ouster from the cabinet, Shazly and Soliman both remained in parliament, as a consequence of their successful campaigns for re-election during the parliamentary election.

In addition, on April 2, a criminal court convicted 45-year-old Judge Hisham Hasaballah of bribery and sentenced him to life in prison, removed him permanently from the bench, and ordered him to pay a \$17,540 (LE 100,000) fine for accepting

\$209,000 (LE 1.19 million) of bribes from 12 defendants in exchange for lenient sentences or acquittals. Six of the defendants who bribed the judge were sentenced in absentia to 15 years' stiffened imprisonment; the other six were acquitted after confessing.

In December, two key figures in the country's media sector were arrested and indicted on corruption charges. Abdel Rahman Hafez, director of the state-owned Media Production City, and Ehab Talaat, a private sector advertising executive, were indicted on December 8 by the public prosecutor, after a case against them was brought by the Administrative Control Authority, the government agency mandated to combat public corruption. According to the indictment, Hafez and Talaat were involved in a scheme granting the latter's ad agency advertising time on the state-owned Nile Satellite Channel for a tenth of its actual value. At year's end, the judicial process was underway.

In August, the press reported a wide-ranging scandal allegedly involving senior members of the Ministry of Education who colluded with teachers to assist dozens of secondary school students in Giza to cheat on their general secondary school exams. According to press reports, several of the cheating students came from prominent families who were NDP members. Minister of Education Ahmed Gamaleddin Moussa referred the case to the administrative and public prosecutors, who had taken no action by year's end. Minister Moussa lost his cabinet portfolio in the December cabinet reshuffle.

The local press routinely reported on confirmed cases of low-level corruption, including tampering with official documents, embezzlement, and acceptances of bribes by officials in various government departments.

There are no legal provisions for public access to government information.

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

Government restrictions on NGO activities, including limits on organizations' ability to accept funding, continued to limit reporting on human rights abuses. Government officials were selectively cooperative and responsive to NGO views (see section 2.d.).

The law governing the regulation and operation of all NGOs grants the minister of social affairs the authority to dissolve an NGO by decree, rather than requiring a court order. There were no reports that the minister resorted to this option during the year.

The leading independent human rights NGOs included the Egyptian Organization for Human Rights, the Human Rights Association for the Assistance of Prisoners, the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights, the Ibn Khaldun Center, the Arab Center for the Independence of the Judiciary and the Legal Profession, and the Egyptian Center for Women's Rights. The Arab Organization for Human Rights generally took a softer line towards the government. During the year, a number of NGO representatives, working on behalf of domestic elections monitoring coalitions, interacted with the representatives from the government, the presidential and parliamentary elections commissions, and the National Council for Human Rights. The government did not demonstrate a consistent approach towards cooperating with human rights NGOs.

The National Council for Human Rights (NCHR), established by parliament in 2003, issued its first annual report in April, covering calendar year 2004 and the first two months of 2005. The report described a wide range of human rights abuses committed by the government during this period, including deaths in custody, extremely poor treatment of prisoners, widespread use of torture, and continued mass arrests and detentions. It critiqued the use of military and emergency courts and offered a balanced assessment of political reform and freedom of association, citing the public concern resulting from the "arbitrary and sudden measures" taken against Ayman Nour. The report criticized the government for failing to handle the specific case of Wafaa' Constantine (see section 2.c.) in a transparent fashion, although it was silent on the broader issue of religious minorities' rights.

The report concluded by offering a series of direct, strongly worded recommendations to the government for improving its human rights record, namely to: lift the emergency law; eliminate preventive detentions and require the Ministry of Interior to disclose the locations of all detainees; improve prison conditions and prisoner rights; revise the Penal Code to conform with the Convention Against Torture and ratify Articles 21 and 22 of the Convention; overhaul the justice system to improve efficiency and transparency; develop a national plan to expand women's political and social rights; reduce discrimination in the workforce; and halt violence against women. The Council referred to specific human rights abuses as categorical viola-

tions of both the constitution and international norms, while citing concomitant public concern over such incidents.

The government's September 1 response stated that it was fully cooperating and would investigate all complaints submitted by the NCHR. The response reviewed previous government steps to protect and expand human rights (including establishment of the NCHR; the abolition of state security courts; the abolition of hard labor imprisonment; the abolition of military decrees; the establishment of family courts; the government's focus on women's issues, including naming a female judge; the passage of the NGO law; and a general raising of awareness about human rights). The government response also criticized some aspects of the NCHR report for inaccuracy and reiterated the government's commitment to protecting and expanding human rights. However, by year's end, the government had apparently not taken any concrete action in response to the report's recommendations.

The NCHR also issued reports on both the presidential and parliamentary elections. The report on the presidential elections was generally favorable, though it noted some procedural flaws. The NCHR report on the parliamentary elections was more critical, noting many of the violations that characterized the parliamentary polls, and recommending that the government take steps to investigate and remedy the flaws.

Several leading human rights groups and civil society organizations continued to press legal challenges against government decisions to allow them to register under the NGO law. Although these organizations were generally allowed to conduct operations, albeit on a limited basis, they did so in technical violation of the NGO law with the omnipresent specter of government interference and/or closure looming over them (see section 2.b.).

During the year, a court overruled the government's previous decision to prevent the Word Center for Human Rights, an organization which often handles Coptic rights issues, from registering as an NGO. In 2003, the Ministry of Social Affairs had rejected the Center's application for NGO status, citing "security objections" based on Article 11 of the NGO Law. The ministry also contended that the Center was a group based on religion and therefore not eligible for NGO status under the NGO Law. However, on February 13 the Administrative Court overruled the ministry's decision and allowed the Word Center to register as an NGO, based on the constitutional right to peaceable and unarmed private assembly. The ministry's appeal against the court ruling in favor of the Word Center was pending at year's end.

EOHR, HRAAP, and other groups obtained limited cooperation of government officials in visiting some prisons in their capacity as legal counsel, but not as human rights observers.

A number of civil society organizations received direct funding from foreign governmental and non-governmental donors to support their work in a variety of areas, including human rights advocacy and election monitoring. During the year, the government permitted various human rights organizations—including the Cairo Institute for Human Rights Studies, HRAAP, EOHR, the Ibn Khaldoun Center, and the Arab Center for Independence of the Judiciary—to hold and participate in international conferences.

International human rights NGOs have generally been allowed to establish formal operations. Organizations such as Human Rights Watch made periodic visits as part of their regional research program and were able to work with domestic human rights groups. The U.S.-based National Democratic Institute and International Republican Institute, which worked to provide technical assistance in support of expanded political and civil rights, established operations during the year, although by year's end the government had not yet approved their formal registration papers.

The government at times cooperated with international organizations; however, on April 4, UN Special Rapporteur on Torture Manfred Nowak reporting to the UN Commission on Human Rights, said that the government had "not yet responded to earlier requests by my predecessor (Theo van Boven) to visit" Egypt (see section 1.c.).

The People's Assembly has a "Human Rights Committee." Human rights activists did not judge it to be an effective mechanism for advancing human rights issues.

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

The constitution provides for equality of the sexes and equal treatment of non-Muslims; however, aspects of the law and many traditional practices discriminated against women and religious minorities.

Women.—The law does not prohibit spousal abuse; however, provisions of law relating to assault in general are applied. Domestic violence against women was a significant problem and was reflected in press accounts of specific incidents. According to a 2003 survey by the Center for Egyptian Women's Legal Affairs, an estimated

67 percent of women in urban areas and 30 percent in rural areas had been involved in some form of domestic violence at least once between 2002 and 2003. Among those who had been beaten, less than half had ever sought help. Due to the value attached to privacy in the country's traditional society, abuse within the family rarely was discussed publicly. Spousal abuse is grounds for a divorce; however, the law requires the plaintiff to produce several eyewitnesses, a difficult condition to meet. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence.

Activists believed that in general the police and the judiciary considered the "integrity of the family" more important than the wellbeing of the woman. The Ministry of Insurance and Social Affairs operated more than 150 family counseling bureaus nationwide, which provided legal and medical services.

The National Council for Women proposed and advocated policies that promoted women's empowerment and also designed development programs that benefit women. The Office of the National Ombudsman for Women provided assistance to women facing discrimination in employment and housing, domestic violence, sexual assault, and child custody disputes.

The law prohibits non-spousal rape and punishment ranges from three years to life imprisonment; however, spousal rape is not illegal. Although reliable statistics regarding rape were not available, activists believed that it was not uncommon, despite strong social disapproval. A rapist is convicted of abducting his victim is subject to execution.

On May 8, after hearing confessions from two defendants that they had raped and beat to death 23-year old Hoda Al-Zaher, Judge Abdo Attia handed down sentences of only three years for one defendant and three months for another, justifying these light sentences under Article 17 of the criminal penalties code. On November 6, the public prosecutor appealed the court's decision. At year's end, the case was under appeal.

The law does not specifically address "honor" crimes (violent assaults by a male against a female, usually a family member, with intent to kill because of perceived lack of chastity). In practice, the courts sentenced perpetrators of such crimes to lesser punishments than those convicted in other cases of murder. There were no reliable statistics regarding the extent of honor killings; however, it was believed that they were not common.

Female genital mutilation (FGM) remained a serious, widespread problem, despite the government's attempts to eliminate the practice and NGO efforts to combat it. Traditional and family pressures remained strong. A study conducted in 2000 estimated 97 percent of women who have ever been married had undergone FGM. However, during the year a leading NGO reported that the number had fallen to 94 percent of women age 18–49. The same study estimated that 60 percent of girls age 10–13 were at risk for FGM. The Ministry of Health estimated that 50 percent of girls age 10 to 18 were subjected to FGM. The government supported efforts to educate the public about FGM; however, illiteracy impeded some women from distinguishing between the deep-rooted tradition of FGM and religious practices. Moreover, many citizens believed that FGM was an important part of maintaining female chastity, and the practice was supported by some Muslim religious authorities and Islamist political activists. FGM was equally prevalent among Muslims and Christians. Religious leaders joined the government in publicly refuting the notion that FGM had any sort of religious sanction.

Prostitution and sex tourism are illegal but continued to occur, particularly in Cairo and Alexandria.

Sexual harassment is not prohibited specifically by law. There were no statistics available regarding its prevalence. During the May 25 national referendum, several women, including demonstrators and journalists, were reportedly assaulted and sexually humiliated by pro-government thugs, including perhaps undercover security force personnel. The public prosecutor concluded a case could not be pursued because it was impossible to determine who assaulted demonstrators (see section 2.b.).

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women. By law, unmarried women under the age of 21 must have permission from their fathers to obtain passports and to travel. Married women do not require such permission, but police did not apply the law consistently. A woman's testimony is equal to that of a man in court.

While no law prohibits a woman from serving as a judge, there was only one female judge, Counselor Tahany al-Gabbani, appointed to the Supreme Constitutional Court in 2003. In the cases of two female attorneys, Fatma Lashin and Amany Talaat, who had challenged the government's refusal to appoint them as public prosecutors, the administrative court ruled that it had no jurisdiction and referred the

case to the Supreme Judicial Council for determination. The council had not issued a ruling by year's end.

Laws affecting marriage and personal status generally corresponded to an individual's religion. *Khul'* divorce allows a Muslim woman to obtain a divorce without her husband's consent, provided that she is willing to forego all of her financial rights, including alimony, dowry, and other benefits. However, in practice, some judges have not applied the law accurately or fairly, causing lengthy bureaucratic delays for the thousands of women who have filed for *khul'* divorce. Many women have also complained that after being granted *khul'* divorce, the required child alimony was not paid.

The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.

Muslim female heirs receive half the amount of a male heir's inheritance, while Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all of his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, in practice this assistance was not always provided. Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to government figures from 2003, women constituted 17 percent of private business owners and occupied 25 percent of the managerial positions in the four major national banks. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence inhibited further gains. Women's rights advocates also pointed to other discriminatory traditional or cultural attitudes and practices, such as FGM and the traditional male relative's role in enforcing chastity.

A number of active women's rights groups worked to reform family law, educate women on their legal rights, promote literacy, and combat FGM.

Children.—The government remained committed to the protection of children's welfare; in practice, the government made some progress in eliminating FGM and in affording rights to children with foreign fathers. However, the government made little progress in addressing the plight of street children, which remained a significant problem. The government provided public education, which is compulsory for the first 9 academic years (typically until the age of 15). The government treated boys and girls equally at all levels of education. The minister of education asserted that 98 percent of citizen children were enrolled in compulsory education through 9th grade.

Approximately 30 percent of citizen students pursued studies at the post-secondary level.

Subject to budget restraints, the government provided medical care for all children.

The Child Law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set rules protective of working children (see section 6.d.).

FGM remained a serious problem, albeit on the decrease, and was widely performed (see section 5, Women).

Child labor continued to be a significant problem, although the government took steps during the year to increase awareness of child labor-related issues and enforcement (see section 6.d.).

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, other portions of the criminal code may be used to prosecute traffickers. There were anecdotal and press reports of trafficking of persons from sub-Saharan Africa and Eastern Europe through the country to Europe and Israel. It was difficult to determine how many of the aliens smuggled through the country were actually being trafficked and how many were voluntary economic migrants. The government aggressively patrolled its borders to prevent alien smuggling, but geography and finances limited the efforts. Government officials participated in international conferences on combating trafficking in persons.

Persons with Disabilities.—There are no laws prohibiting discrimination against persons with physical or mental disabilities in education, access to health care, or the provision of other state services. Law 39 of 1975 ("The Social Integration Law"), amended by law 49 of 1981 and by the Unified Labor Law of 2002 (articles 12–14), provides that all businesses must designate 5 percent of their jobs for persons with disabilities who are exempt from normal literacy requirements. Statistics regarding the practical implementation of this policy were unavailable. Similarly, there were no reliable statistics regarding the total number of citizens with disabilities, but

NGOs estimated that at least 8 percent of the population has some sort of disability, and that 1–2 percent of the population is severely disabled.

There is no legislation mandating access of persons with disabilities to public accommodations and transportation; however, persons with disabilities rode government-owned mass transit buses free of charge, were expeditiously approved for installation of new telephone landlines, and received reductions on customs duties for specially equipped private vehicles to accommodate disabled drivers.

In early June, according to press reports, the family of a 43-year-old woman with Down Syndrome filed a report accusing officials at a mental institution of torturing her. During a routine visit, the woman's family had found her in serious condition and had to call the police to have her transferred to a hospital.

The Higher Council for Social Integration, which was established by the 1975 law to provide leadership on the issue of persons with disabilities, has met twice during the past three decades. A leading NGO focused on the rights of persons with disabilities has sought to increase the government's and society's activities in support of persons with disabilities. The government, led by the Ministry of Social Affairs, made efforts to address the rights of persons with disabilities. It worked closely with UN agencies and other international aid donors to design job-training programs for persons with disabilities. Beginning in 2004, and with international donor support, the government, working with concerned NGOs, also sought to increase the public awareness of the capabilities of persons with disabilities in television programming, the print media, and educational material in public schools. However, there remains widespread societal discrimination against persons with disabilities, resulting in a lack of acceptance into mainstream society.

Other Societal Abuses and Discrimination.—Individuals suspected of homosexual activity and arrested on “debauchery” charges reported in 2004 and earlier of being subjected to humiliation and abuse while in custody. There were no reports during the year of this practice.

Section 6. Worker Rights

a. The Right of Association.—There are no legal obstacles to establishing private sector unions, although such unions were uncommon. Workers may join trade unions, but were not required to do so. A union local or workers' committee may be formed if 50 employees express a desire to organize. Most union members, about one-quarter of the labor force, were employed by state-owned enterprises.

Unionization has decreased in the past several years as a result of early retirement plans in public sector enterprises, which have aimed at rightsizing workforces. Privatization of public sector enterprises has also led to some job losses, although unions have continued to operate in privatized companies.

There were 23 trade unions; all were required to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. The ETUF controlled the nomination and election procedures for trade union officers and permitted public authorities to intervene in union financial activities.

ETUF officials had close relations with the ruling NDP, and some were members of the People's Assembly or the Shura Council. They spoke on behalf of worker concerns, and public confrontations between the ETUF and the government were rare. ETUF president Sayed Rashad served as an NDP member of parliament until his unsuccessful bid for re-election in November. Rashad also served as head of the NDP's labor committee. During the presidential campaign, Sayed Rashad had announced that ETUF's four million members supported President Mubarak's re-election bid.

Some unions within the ETUF were affiliated with international trade union organizations. Others were in the process of becoming affiliated. The law does not permit anti-union discrimination. There were no reports of attempted discrimination, nor were there reports of attempts to enforce this protection.

b. The Right to Organize and Bargain Collectively.—The 2003 Labor Law establishes a labor consultative council, including representatives from the government, employers, and workers associations. The council was intended to address tripartite issues and problems and review labor-related domestic and international legislation; however, the council did not meet during the year. The law provides for collective bargaining, allowing for tripartite negotiations to improve labor terms and conditions and resolve disputes between workers and employers. Collective negotiation may be set in motion by any of the concerned parties without the consent of other parties involved with the assistance of the concerned administrative authority.

The Labor Law also established special pentagonal committees composed of two judges and representatives from the Ministry of Manpower and Migration (MOMM), the ETUF, and employers. The Labor Law provides these committees with judicial powers to adjudicate labor disputes arising from the law's application. Decisions by

these committees, which are intended to serve in place of the courts of first resort, may be appealed through the regular appeals process. During the year, the pentagonal committees received 250,000 complaints in labor disputes and issued verdicts in ten percent of the cases. Observers noted that the pentagonal committees often failed to establish quorums, thus limiting their responsiveness.

The MOMM has a unit for collective negotiations and for monitoring the implementation of collective agreements. The government sets wages, benefits, and job classifications for public sector and government employees, and the private sector sets compensations for its employees in accordance with the government's laws regarding minimum wages.

The Labor Law permits strikes, but only after an extended negotiation process. There were no formal, recognized strikes during the year. Wildcat strikes are prohibited. Peaceful strikes were allowed, provided they were announced in advance and organized by the trade union to defend vocational, economic, and social interests. To call a strike, the trade union must notify the employer and concerned administrative authority at least 10 days in advance of the strike date, giving the reason for the strike and the date it would commence. Prior to this formal notification, the strike action must be approved by a two-thirds majority of the ETUF board of directors. This advance notification requirement effectively eliminated wildcat strikes. Strikes are prohibited by law during the validity of collective bargaining agreements and during the mediation and arbitration process. Strikes are also prohibited in strategic or vital entities in which the interruption of work could result in a disturbance of national security or basic services. The Labor Law also regulates litigation related to collective bargaining and allows collective bargaining in what are identified as strategic and vital establishments. As a result of the stringent rules governing strikes, the Land Center for Human Rights, a pro-labor group, reported that there were dozens of informal job actions during the year.

Firms, other than large companies in the private sector, generally did not adhere to government-mandated standards. Although they were required to observe some government practices, such as the minimum wage, social security insurance, and official holidays, firms often did not adhere to government practice in non-binding matters, including award of the annual Labor Day bonus.

Labor law and practice were the same in the six existing export-processing zones (EPZs) as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor. The 2003 Labor Law and the Child Law do not specifically prohibit forced and compulsory labor by children. Such practices, including by children, were reportedly rare.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child Law number 12 of 1996 and its executive regulations protect children from exploitation in the workplace. While MOMM, working with the National Council for Childhood and Motherhood (NCCM) and the interior ministry, generally enforced these regulations in state-owned enterprises, enforcement in the private sector, especially in the informal sector, was lax. Employers continued to abuse, overwork, and generally endanger many working children.

The law limits the type and conditions of work that children under the age of 18 may perform legally. In nonagricultural work, the minimum age for employment is 14 or the age of completing basic education (15), whichever is higher. Provincial governors, with the approval of the minister of education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling.

Pre-employment training for children under the age of 12 is prohibited. Children are prohibited from working for more than six hours per day, and one or more breaks totaling at least one hour must be included. Several other restrictions apply to children: they may not work overtime, during their weekly day(s) off, between 7 p.m. and 7 a.m., or on official holidays. Children are also prohibited from working for more than four hours continuously.

During the summer months, children under the age of 14 were periodically seen working outdoors in and near construction areas of Al-Rehab City, outside Cairo.

Statistical information regarding the number of working children was difficult to obtain and often outdated. NGOs estimated that up to two million children worked. Government studies indicated that the concentration of working children was higher in rural than in urban areas. Approximately 78 percent of working children were in the agricultural sector. However, children also worked in light industry and on construction sites.

Previous changes in the Child Labor Law have not significantly improved conditions due to lax enforcement by the government. Enforcement remained spotty, and

in cases where offenders have been prosecuted, the fines imposed were often small (e.g., 20 LE, or \$3.25) and thus had questionable deterrent effect. Regulations proposed in 2003 under the revised labor law, however, sharply increased the minimum fines in child labor cases to LE 500 (\$81). The increased penalties did not appear to have any impact during the year.

The government made progress toward eliminating the worst forms of child labor, pursuant to the UN Convention on the Rights of the Child (CRC); however, many challenges remain. The Ministry of Justice's department for legal protection of the Child worked with the NCCM to finalize comprehensive changes to the child labor law during the year. Work continued at year's end. The NCCM also worked with the MOMM, ETUF, ILO, UNICEF, and various government ministries to formulate and implement a national strategy to combat child labor and eliminate the worst forms of child labor; trained police officers on children's rights and working with juveniles coordinated with the Ministry of Education to incorporate study of the CRC into curricula; and set up social and economic projects in several governorates to remove working children into non-hazardous activities. The MOMM also increased child labor inspections in governorates with high dropout rates. The government's campaign to increase public awareness was highlighted by workshops and conferences throughout the country, including the June UN-led Regional Consultation on the Violence Against Children in Cairo, which consolidated research and relevant information about the forms, causes and impact of violence affecting children and young persons (up to 18 years). Many of these efforts were characterized by high-level government involvement.

e. Acceptable Conditions of Work.—During the year, the minimum wage for government and public sector employees was determined by the National Council of Wages and differed among sectors. The law stipulates that 48 hours is the maximum number of hours that may be worked in 1 week. Overtime for hours worked beyond 36 per week is payable at the rate of 25 percent extra for daylight hours and 50 percent extra for nighttime hours. The nationwide minimum wage generally was enforced effectively for larger private companies; however, smaller firms did not always pay the minimum wage. The minimum wage frequently did not provide a decent standard of living for a worker and family; however, base pay commonly was supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay and provide a decent standard of living.

The Ministry of Labor sets worker health and safety standards, which also apply in the EPZs; however, enforcement and inspections were uneven. A council for occupational health and safety was established by the Labor Law to address health and safety issues nationwide. During the year, ETUF called for development of a national health insurance program prior to proposed changes in the health insurance law.

The new labor law prohibits employers from maintaining hazardous working conditions, and workers have the right to remove themselves from hazardous conditions without risking loss of employment.

There were occasional reports of employer abuse of undocumented workers, especially domestic workers. A few employers were prosecuted during the year for abuse of domestic workers, but many claims of abuse were unsubstantiated because undocumented workers were reluctant to make their identities public.

IRAN

The Islamic Republic of Iran,¹ with a population of approximately 68 million, is a constitutional, theocratic republic in which Shi'a Muslim clergy dominate the key power structures. Article four of the constitution states that "All laws and regulations . . . shall be based on Islamic principles." Government legitimacy is based on the twin pillars of popular sovereignty (Article Six) and the rule of the Supreme Jurisconsultate (Article Five).

The supreme leader of the Islamic Revolution, Ayatollah Ali Khamenei, dominated a tricameral division of power among legislative, executive, and judicial branches. He is not directly elected but chosen by an elected body of religious leaders. Khamenei directly controlled the armed forces and exercised indirect control over the internal security forces, the judiciary, and other key institutions. Reformist President Mohammad Khatami headed the executive branch until August when con-

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

servative Mahmoud Ahmadinejad took office. Ahmadinejad won the presidency in June in an election widely viewed as neither free nor fair.

An unelected 12-member council of guardians reviewed all legislation passed by the majles for adherence to Islamic and constitutional principles and also screened presidential and majles candidates for eligibility. Prior to the June presidential elections, the guardian council excluded all but 8 candidates of the 1,014 who registered.

The government's poor human rights record worsened, and it continued to commit numerous, serious abuses. On December 16, the UN General Assembly passed a resolution expressing detailed, serious concern over the country's human rights problems.

In preparation for the June presidential elections, there was intense political struggle between a broad popular movement favoring greater liberalization of human rights and the economy, and hard-line elements within government and society that viewed such reforms as a threat to the Islamic Republic. Reformists and hard-liners within the government engaged in divisive internal debates.

The following human rights problems were reported:

- significant restriction of the right of citizens to change their government
- summary executions, including of minors
- disappearances
- torture and severe punishments such as amputations and flogging
- violence by vigilante groups with ties to the government
- poor prison conditions
- arbitrary arrest and detention, including prolonged solitary confinement
- lack of judicial independence
- lack of fair public trials, including lack of due process and access to counsel
- political prisoners and detainees
- excessive government violence in Kurdish areas
- substantial increase in violence from unknown groups in an Arab region of the country
- severe restrictions on civil liberties—speech, press, assembly, association, movement, and privacy
- severe restrictions on freedom of religion
- official corruption
- lack of government transparency
- violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals
- trafficking in persons
- incitement to anti-Semitism
- severe restriction of workers' rights, including freedom of association and the right to organize and bargain collectively
- child labor

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports of political killings. The government was responsible for numerous killings during the year, including executions following trials that lacked due process. Exiles and human rights monitors alleged that many of those supposedly executed for criminal offenses, such as narcotics trafficking, actually were political dissidents.

The law criminalized dissent and applied the death penalty to offenses such as apostasy, "attempts against the security of the State, outrage against high-ranking officials, and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic."

On April 15, there were violent protests in the ethnically Arab province of Khuzestan (see section 5). The protests followed publication of a letter (denounced as a forgery by the government) that allegedly discussed government policies to reduce the percentage of ethnic Arabs in the province. A government official said clashes with security services resulted in 3 or 4 deaths, but Human Rights Watch (HRW) reported at least 50 deaths.

On June 12, 4 bombs exploded in Khuzestan and 2 in Tehran with as many as 10 killed and approximately 100 injured.

In July and August, demonstrations and strikes in Kurdistan followed the killing of a Kurdish political activist by security forces. According to HRW, security forces killed at least 17 persons during this period.

On August 2, the deputy prosecutor of Tehran, Massoud Moghaddasi, the judge involved in the prosecution of free speech advocates and dissident Akbar Ganji (see section 1.e.), was shot and killed; the Armed Youth of Cherikha-ye Fada'i (the self-sacrificing guerillas) claimed responsibility. Police arrested a suspect, and the government claimed counterrevolutionary groups had hired him. The judiciary spokesman said the same group threatened to kill the Tehran prosecutor, Saeed Mortazavi. Later in August, unknown assailants shot and seriously wounded a prominent judge in Tehran involved in anticorruption cases.

In August 2004 Iranian media reported that 16-year-old Ateqeh Rajabi was hanged in public for "acts incompatible with chastity." Rajabi was not believed to be mentally competent and had no access to a lawyer. The supreme court upheld her sentence. An unnamed man arrested with her received 100 lashes and was released.

No action was taken in the 2004 cases in which security forces killed strikers (January) and suppressed post-election demonstrations (February).

In 2003 an Iranian-Canadian photographer, Zahra Kazemi, died in custody after being arrested for taking photographs at Evin prison in Tehran. After initially claiming that she died following a stroke, the government admitted that she died as a result of a blow to the head. In July 2004 a court acquitted an intelligence ministry official accused of her death. In December 2004 the Kazemi family protested the failure of the court to convict anyone and requested a criminal investigation, which led to a May 16 appeals court hearing. After the family protested the judge's decision to close the hearing to the public, the judge ended the session. When it reopened on July 25, the judge banned foreign observers, rejected the appeal, upheld the 2004 judgment that Kazemi's death had been accidental, and ruled that the court was not in a position to reopen the case. The court did not release the hearing's dossier.

On November 23, the judiciary released its verdict on the Kazemi case, confirming that the intelligence agent originally charged was not guilty and expressing that there were "shortcomings in the investigation." The judiciary stated that the case was being transferred to another court for further investigation. The judiciary spokesman said the case was not closed and further examination was needed, including reviewing potential suspects, but indicated no timeframe for the investigation. The Kazemi lawyers charged that someone from the judiciary, not the intelligence ministry, was responsible for her death. At year's end there had been no further action.

The 1998 killings of prominent political activists Darioush and Parvaneh Forouhar, writers Mohammad Mokhtari and Mohammad Pouyandeh, and the disappearance of political activist Pirouz Davani continued to cause controversy over a perceived government cover-up of involvement by senior officials.

In 2001 the Special Representative for Iran of the Commission on Human Rights (UNSR) reported claims that there were more than 80 killings or disappearances over a 10-year period as part of a wider campaign to silence dissent. Members of religious minority groups, including the Baha'is, evangelical Christians, and Sunni clerics, were killed in the years following the revolution, allegedly by government agents or directly at the hands of authorities.

On February 12, the Islamic Revolution Guards Corps (IRGC) announced that Ayatollah Khomeini's 1989 religious decree calling for the killing of author Salman Rushdie remained in effect.

b. Disappearance.—Little reliable information was available regarding the number of disappearances during the year.

According to Internet press reports, Massoumeh Babapour, a journalist for Tabriz newspapers and activist for Azeri rights, disappeared on October 3. She was found stabbed nine times, but still alive. According to her husband, she had received death threats calling her an atheist and claiming religious authorities passed a death sentence on her. At year's end there was no information regarding the perpetrators.

According to a report during the year, over the past 15 years there have been reports of at least 8 evangelical Christians killed in Iran, and between 15 and 23 reportedly missing or "disappeared."

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits torture. In April 2004 the judiciary announced a ban on torture, and the majles passed related legislation, approved by the guardian council in May 2004. Nevertheless, there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners.

On December 16, the UN General Assembly adopted a human rights resolution on Iran that expressed, among other points, serious concern at the continuing use of torture and cruel, inhuman, or degrading treatment or punishment, such as floggings and amputations, as well as public executions. It also called on the country to uphold the moratorium on executions by stoning and legally abolish the practice.

The penal code includes provisions for the stoning, or lapidation, of women and men convicted of adultery. In 2002 the head of the judiciary announced a moratorium on stoning. There were several subsequent reports of sentences of stoning imposed by judges, including two during the year, but no proof of these sentences being carried out. A woman's rights group claimed "Fatemeh" was sentenced to stoning in May for adultery and murder. On October 15, domestic press reported that "Soghra" was sentenced to death by stoning for adultery, as well as given a 15-year prison sentence for complicity in murdering her husband.

In June a court sentenced a man to have his eyes surgically removed for a crime he committed 12 years earlier, when he was 16. The Integrated Regional Information Networks (IRIN) of the UN Office of Coordination of Humanitarian Affairs quoted human rights specialists as saying that while such unusual sentences were occasionally passed by Islamic courts, they were rarely implemented; rather they were used as leverage to set blood money. Nonetheless, in November domestic press reported prison authorities amputated the left foot of a convicted armed robber.

Some prison facilities, including Tehran's Evin prison, were notorious for the cruel and prolonged torture of political opponents of the government. Additionally, in recent years authorities have severely abused and tortured prisoners in a series of "unofficial" secret prisons and detention centers outside the national prison system. Common methods included prolonged solitary confinement with sensory deprivation, beatings, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution if individuals refused to confess, burning with cigarettes, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also reported beatings about the ears, inducing partial or complete deafness, and punching in the eyes, leading to partial or complete blindness. HRW noted that student activists were physically tortured more than critics within the system. It also noted abuse sometimes occurred in the presence of high-level judges. As reported by a radio broadcast on May 5, Judiciary Head Shahrudi complained about security forces' treatment of some detainees. He said judges must conduct interrogations and confessions without a judge present were inadmissible.

In February 2004 Amnesty International (AI) reported that it had documented evidence of "white torture," a form of sensory deprivation. Amir Abbas Fakhravar (see section 1.e.), a political prisoner, was sent to the "125" detention center, controlled by the revolutionary guards. According to AI his cell had no windows, and the walls and his clothes were white. His meals consisted of white rice on white plates. To use the toilet, he had to put a white piece of paper under the door. He was forbidden to speak, and the guards reportedly wore shoes that muffled sound. The Committee against Torture has found that sensory deprivation amounts to torture.

According to domestic press, in July Abbas Ali Alizadeh, the head of the Tehran judiciary and head of the supervisory and inspection committee to safeguard civil rights, provided Judiciary Chief Shahrudi with a detailed report, as a follow-up to Shahrudi's directive on respect for citizenship rights. This unreleased report was described in detail in the media and outlined abusive human rights practices in prisons, including blindfolding and beating suspects, detainees left in a state of uncertainty, and prolonged investigations. For example, authorities jailed a 13-year-old in the worst detention center for stealing a chicken, jailed a woman in her 80s for financial difficulties, and arrested a woman for drug charges against her husband.

Separately in July according to domestic press, the deputy national police commander for criminal investigation said police would investigate any reports of torture. He said torture was against regulations, but its existence in the criminal investigation departments was undeniable, and that forensic and scientific advances have made torture unnecessary.

In an effort to combat "un-Islamic behavior" and social corruption among the young, the government relied on a "morality" force, referred to merely as "special units" (*yegan ha-ye vizhe*), to complement the existing morality police, "Enjoining the Good and Prohibiting the Forbidden" (*Amr be Ma'ruf va Nahi az Monkar*). The new force was to assist in enforcing the Islamic Republic's strict rules of moral behavior. Credible press reports indicated members of this force chased and beat persons in the streets for offenses such as listening to music or, in the case of women, wearing makeup or clothing regarded as insufficiently modest or accompanied by unrelated men (see section 1.f.).

There was no further action in the 2004 case of the person who died in February after receiving 80 lashes, the November death of a 14-year old Kurdish boy after receiving 85 lashes, or punitive amputations in September and October.

Prison and Detention Center Conditions.—Prison conditions in the country were poor. Many prisoners were held in solitary confinement or denied adequate food or medical care to force confessions. After its 2003 visit, the UN Working Group on Arbitrary Detentions reported that “for the first time since its establishment, [the working group] has been confronted with a strategy of widespread use of solitary confinement for its own sake and not for traditional disciplinary purposes.” The working group described Sector 209 of Evin prison as a “prison within a prison,” designed for the “systematic, large-scale use of absolute solitary confinement, frequently for long periods.”

The UNSR reported that much of the prisoner abuse occurred in unofficial detention centers run by unofficial intelligence services and the military. The UN Working Group on Arbitrary Detention raised this issue with the country’s Article 90 parliamentary commission during its 2003 visit, generating a commission inquiry that reportedly confirmed the existence of numerous unofficial prisons. In June 2004 HRW documented a number of unofficial prisons and detention centers such as “Prison 59” and “Amaken,” an interrogation center where persons are held without charge, questioned intensively for prolonged periods, physically abused, and tortured.

The Tehran province judiciary tasked its branches to address and compile complaints about civil rights violations and reportedly received 143 complaints, including a person jailed since 1989 without a conviction or indication of criminal record. In the unreleased report described in July in domestic press, the judiciary committee, called the supervising and inspection committee for preserving citizens’ rights, reported visiting detention centers of the police security and intelligence, criminal and intelligence departments, and army security and intelligence departments to assess condition of detainees, sanitation, visiting procedures, and procedures used to summon and arrest suspects.

In its findings, the committee noted arrests without warrants. It said the IRGC intelligence department detention center would not allow the committee to enter its facility. The report also called for an investigation of suicides by female inmates in Rajai’i Shahr prison. The committee report stated every military camp or intelligence or security department had its own detention center, which defied the judiciary head’s directive. Ministry of Intelligence and Security (MOIS) facilities operated without the required oversight of the Prisons Organization. Serious problems were found in a wide range of detention centers, jails, drug control centers, and prisons, including Section 209 at Evin prison and the Tehran revolutionary court.

The committee reported that contrary to instructions from the judiciary head on size of a detention area, the committee found that some suspects had been held for eight or nine months in much smaller spaces. The report noted torture and solitary confinement in detention centers and claimed it had taken steps to resolve the issue. The report stated that confessions obtained under duress were legally invalid. The committee also called for investigations into possible violations committed against arrested and detained girls and women.

Alizadeh claimed the problems cited in the report were resolved, at the order of the judiciary, and the culprits were presented to authorities. Government spokesman Ramezanzadeh praised the report and said the defense and information ministries were expected to turn over names of those responsible for torture to the judiciary. However, at year’s end there was no indication that anyone had been held responsible for the abuses cited in the report.

In July the secretary general of the administration of justice of Tehran said in interview that, following investigation into prison conditions and corrective actions, every prison had an average of 12 square meters, and all detention centers were now under the supervision of the organization of prisons.

Separately, the judiciary spokesman called the committee’s report a complete falsehood. Among his charges he said the report’s claim that there were unlawful detention centers administered contrary to prison regulations and in which defendants are blindfolded and beaten was untrue.

Shahrudi asked the judiciary to investigate reports of abuse of Internet writers, arrested in a crackdown in 2004 (see section 1.e.). The judiciary’s report also was not released, and although it was acknowledged that some were abused, there was no information that anyone was held accountable.

In July 2004 the UK-based International Center for Prison Studies reported that 133,658 prisoners occupied facilities constructed to hold a maximum of 65 thousand persons.

On February 9, HRW warned that the confinement of the country's political prisoners with violent criminals endangered their lives. On January 25, six prisoners in Rajai'i Shahr prison started a hunger strike to protest their confinement with dangerous criminals who assaulted and intimidated them. According to an Internet source, inmates raped and killed a 17-year-old male in a Shiraz prison on November 19. He had been convicted of a minor crime, sent to the juvenile section of the prison, but then transferred to a cell that included convicted adult murderers (see section 1.e.).

In May Judiciary Chief Shahrudi directed that convicts imprisoned for lesser offenses and gravely ill prisoners should be given leave for three months; the directive's implementation was unknown.

The government generally has granted prison access only to the International Committee of the Red Cross (ICRC); however, it permitted visits to imprisoned dissidents by UN human rights officials during 2003 (see section 4). UN Working Group on Arbitrary Detention officials visited Evin prison in Tehran—including sector 209, in which many political prisoners were believed held—as well as other prisons and police stations. The working group interviewed approximately 140 “ordinary” prisoners plus 14 out of a requested 45 inmates described as political prisoners and prisoners of conscience. It described the authorities' cooperation as “on the whole positive,” although it noted problems with government response to follow-up requests generated by the visit and disappointment over arrests after the group's departure.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, these practices remained common.

Role of the Police and Security Apparatus.—Several agencies share responsibility for law enforcement and maintaining order, including the ministry of intelligence and security, the law enforcement forces under the interior ministry, and the IRGC. A paramilitary volunteer force known as the basiji and various informal groups known as the Ansar-e Hizballah (Helpers of the Party of God) aligned with extreme conservative members of the leadership and acted as vigilantes. The size of the Basij is disputed, with officials citing anywhere from 11 to 20 million, and a recent Western study claiming there were 90 thousand active members and up to 300 thousand reservists. Civilian authorities did not maintain fully effective control of the security forces. The regular and paramilitary security forces both committed numerous, serious human rights abuses. According to HRW since 2000 the government's use of plainclothes security agents to intimidate political critics became more institutionalized. They were increasingly armed, violent, and well equipped, and they engaged in assault, theft, and illegal seizures and detentions.

Arrest and Detention.—In practice there is no legal time limit for incommunicado detention nor any judicial means to determine the legality of detention. In the period immediately following detention or arrest, many detainees were held incommunicado and denied access to lawyers and family members.

Security forces often did not inform family members of a prisoner's welfare and location. Authorities often denied visits by family members and legal counsel. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held. According to the July report on prisons, approximately 1,400 persons were held in Rajai'i Shahr prison without being convicted. In addition families of executed prisoners did not always receive notification of their deaths. On occasion the government forced family members to pay to retrieve the body of their relative (see section 1.a.).

The UN General Assembly (UNGA) resolution regarding the country's human rights expressed serious concern at the use of arbitrary arrest, targeted at both individuals and their family members. Also in July 2004, police arrested Simin Mohammadi and her father Mohammad Mohammadi, sister and father respectively of jailed student activists Manuchehr and Akbar Mohammadi, reportedly for “acts against state security.” Police released Simin after posting bail following two weeks' imprisonment in solitary confinement; her father also was released on bail after having a heart attack in solitary confinement.

In 2003 the government released Ayatollah Hossein Ali Montazeri, formerly the designated successor of the late supreme leader, Ayatollah Khomeini, amid reports of health problems after five years of house arrest. In recent years the government has used house arrest to restrict the movements and ability to communicate of senior Shi'a religious leaders whose views regarding political and governance issues were at variance with the ruling orthodoxy; however, there was no information on this practice during the year.

Numerous publishers, editors, and journalists (including those working on Internet sites) were detained, jailed, tortured, and fined, or they were prohibited from publishing their writings during the year (see section 1.e. and 2.a.).

Adherents of the Baha'i Faith continued to face arbitrary arrest and detention (see section 2.c.).

In September Judiciary Head Shahrudi issued new sentencing guidelines under which minor offenders would be fined and receive punishments other than imprisonment. This change was reportedly due in part to prison overcrowding. It is not known whether this change was implemented. According to HRW most prisoners were eligible for release after serving half of their sentences.

Amnesty.—According to domestic press, in April the supreme leader granted amnesty or commuted the sentences of 3,631 prisoners; in May several prisoners sentenced by military courts; in September 7,780 prisoners; and in November 2,185 prisoners. These amnesties marked Muslim and national holidays.

e. Denial of Fair Public Trial.—The constitution provides that the judiciary is “an independent power”; however, in practice the court system was subject to government and religious influence. After the 1979 revolution, the judicial system was revised to conform to an Islamic canon based on the Koran, Sunna, and other Islamic sources. The constitution provides that the head of the judiciary shall be a cleric chosen by the supreme leader. The head of the supreme court and prosecutor general also must be clerics. Women are barred from serving as certain types of judges.

There are several court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic revolutionary courts. The latter try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics and economic crimes, and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes committed in connection with military or security duties. A press court hears complaints against publishers, editors, and writers in the media. The supreme court has limited review authority.

HRW noted in a 2004 report that the judiciary was at the core of suppressing political dissent and that, in practice, it violated due process rights at every level, including the right to be promptly charged; have access to legal counsel; be tried before a competent, independent, and impartial court in a public hearing; and have right of appeal. Detainees were often not clear of their legal status. Numerous observers considered Tehran Public Prosecutor Mortazavi the most notorious persecutor of political dissidents and critics.

According to the civil code, persons under 18 years of age may be prosecuted for crimes as adults, without special procedures, and may be imprisoned with adults. The age of criminal responsibility is set at 15 years for males and 9 years for females. As a party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the country is obligated not to execute persons for crimes committed when they were younger than 18.

In January government officials told the UN Committee on the Rights of the Child that for many years there had been a moratorium in place on the death penalty for minors under 18. The same day, however, a man was executed for a crime committed when he was 17, and credible reports corroborated such action. AI cited a domestic press report that at least 30 minors sentenced to death were detained in juvenile detention centers in Tehran and Rajai'i Shahr. It was widely reported in the press that 2 teenage boys were hanged in public on July 19 in Mashhad, charged with raping a 13-year-old boy. Their ages differed in press reports, but apparently at least one was a minor at the time of the offense. In this case, some international observers claimed the two were executed for homosexual behavior; however, it was not possible to verify this allegation (see section 5).

In October 2004 20 local human rights groups called on the judiciary not to sentence minors to death. Nobel Peace Prize laureate Shirin Ebadi called for a demonstration, but the authorities denied the request. During the year the UNGA adopted a resolution denouncing the country's practice of executing minors, and the UN Committee on the Rights of the Child urged the country to suspend execution of juvenile offenders.

Trial Procedures.—Many aspects of the prerevolutionary judicial system survived in the civil and criminal courts. For example, defendants have the right to a public trial, may choose their own lawyer, and have the right of appeal. Panels of judges adjudicate trials. There is no jury system in the civil and criminal courts. If postrevolutionary statutes did not address a situation, the government advised judges to give precedence to their own knowledge and interpretation of Islamic law.

Trials are supposed to be open to the public; however, frequently they are held in closed sessions without access to a lawyer; the right to appeal often is not honored.

UN representatives, including the UNSR, the UN Working Group on Arbitrary Detention, and independent human rights organizations noted the absence of procedural safeguards in criminal trials. The UNGA resolution on the country's human rights expressed serious concern at "the persistent failure to comply fully with international standards in the administration of justice. . . ."

Trials in the revolutionary courts were notorious for their disregard of international standards of fairness. Revolutionary court judges were chosen in part based on their ideological commitment to the system. Pretrial detention often was prolonged, and defendants lacked access to attorneys. Charges were often undefined such as "anti-revolutionary behavior," "moral corruption,"⁵ and "siding with global arrogance." Defendants did not have the right to confront their accusers. Secret or summary trials of five minutes' duration occurred. Others were show trials intended to publicize a coerced confession.

The legitimacy of the special clerical court system continued to be subject to debate. The clerical courts, which investigate offenses and crimes committed by clerics and which are overseen directly by the supreme leader, are not provided by the constitution and operated outside the domain of the judiciary. In particular critics alleged the clerical courts were used to prosecute clerics for expressing controversial ideas and participating in activities outside the sphere of religion, such as journalism. The recommendations of the UN Working Group on Arbitrary Detention included a call to abolish both the special clerical courts and the revolutionary courts.

In its 2003 report, the UN Working Group on Arbitrary Detention noted failures of due process in the court system caused by the absence of a "culture of counsel" and the previous concentration of authority in the hands of a judge who prosecuted, investigated, and decided cases. The working group welcomed the 2002 reinstatement of prosecution services, after a 7-year suspension, but noted that this reform had been applied unevenly, with the judge still having major investigative responsibilities in many jurisdictions.

On January 27, authorities released Afsaneh Noroozi from prison after being pardoned for a murder that she and police and forensic experts claimed was in self-defense. Police arrested her in 1997 for killing a senior security and intelligence officer. She claimed she killed him in self-defense after he attempted to rape her. According to AI, police tortured and threatened Noroozi and her husband, eliciting false confessions. In a 2000 trial, she was given the death penalty. Her 2004 retrial was also held behind closed doors but supervised by the judiciary. The court did not change the ruling, but it announced on January 11 that the family had agreed to forgo the death penalty in exchange for blood money. Upon her release the judiciary repeated its rejection of Noroozi's self-defense claim.

In December 2004 a Tehran justice department official alleged that the government tried and sentenced fugitive al-Qa'ida members detained in the country. The government did not identify those convicted, the verdicts, or their sentences and provided no further information during the year.

Political Prisoners.—Then President Khatami stated in April 2004 that, "absolutely, we do have political prisoners and people who are in prison for their beliefs." No accurate estimates were available regarding the number of citizens imprisoned for their political beliefs. In 2003 the UNSR for the Promotion and Protection of the Right to Freedom of Expression and Opinion estimated the number to be in the hundreds. Although there were few details, the government has reportedly arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual "offenses" were political. The government has charged members of religious minorities with crimes such as "confronting the regime" and apostasy and conducted trials in these cases in the same manner as threats to national security. Political prisoners occasionally were given suspended sentences or released for short or extended furloughs prior to completion of their sentences, but could be ordered to prison at any time. Political activists were also controlled by having a file placed in the courts that could be opened at any time.

On September 6, the spokesman for the justice ministry, Jamal Karimi-Rad, said the judiciary was ready to present parliament with a bill to define political offenses. The guardian council earlier rejected a similar bill passed by the previous parliament. At year's end there had been no action.

In a September 4 open letter, a local prisoners' rights group, the Association in Defense of Prisoner's Rights, appealed on the basis of human rights to Judiciary Chief Ayatollah Shahrudi for progress in cases of political prisoners. On September 18, *Sharg* newspaper reported that Shahrudi ordered these cases investigated.

On September 26, Shahrudi directed leaves of absence to all imprisoned students, regardless of their crimes, and asked the government to provide a list of their

names. By October 25, no students had been released and the spokesman of the Student Committee for the Defense of Political Prisoners said problems faced by student and other prisoners were worsening. In November Justice Minister Karimi-Rad said that 18 names of proreform students arrested during previous years' protests had been provided, and the judiciary would ask the supreme leader to pardon them. At year's end it did not appear that any further action had been taken.

There were reports that some persons have been held in prison for years and charged with sympathizing with outlawed groups, such as the domestic terrorist organization, the MEK.

Akbar Ganji, a former IRGC leader turned political activist and journalist, has been imprisoned since 2000 in connection with his reports linking the government with the "serial murders" of 80 dissidents in the country and abroad. He was sentenced in 2001 to six years in prison on charges including acting against national security and spreading propaganda. In May he received a furlough for medical treatment but was returned to Evin prison in June. He went on a 70-day hunger strike to protest his detention, transferred to a hospital on July 17, and ended his strike in mid-August. On September 3, he was discharged from the hospital and returned to prison. At year's end he was held in a high security section of Evin prison, known as "Alef 2" controlled by the IRGC.

In July the head of the judiciary reportedly said Ganji could be pardoned if eligible; Tehran Judiciary Chief Alizadeh subsequently said he would not be released until the end of his sentence. The UN, European Union (EU), and numerous countries have called for Ganji's release. Ganji's wife said in an open letter in late October that she believed her husband was being beaten, had been moved to solitary confinement, and was not receiving medical care. In November HRW reported Ganji said judiciary officials tortured him to try to make him renounce his writings.

In 2004 the government said it detained several citizens accused of transferring nuclear secrets to Western states. The suspects were tried, but the verdict remained secret. On July 30, while acting as an attorney for the accused, Abdol Fattah Soltani also was accused of espionage. Soltani's lawyer, human rights specialist Mohammad Dadkhah, and HRW claimed the reason for his arrest was his work in the investigation into the death of Zahra Kazemi. Despite calls for his release from almost 200 members of the national bar association, he remained in jail at year's end; his bail was set at \$800 thousand (700 million toman).

Naser Zarafshan, an attorney who represented families of the victims of the 1998 extrajudicial killings of dissidents by intelligence ministry officials, was sentenced in 2002 to five years in prison for charges including disseminating state secrets. In 2003 the supreme court reportedly dismissed his appeal. According to the non-governmental organization (NGO) PenCanada, in September 2004 a group of prisoners in collusion with prison authorities attempted to kill Zarafshan. On June 8 and 10, prodemocracy activists and Zarafshan's family demonstrated at Evin prison, calling for his release. On July 9, his attorney, Nobel Peace Prize winner Ebadi, announced he had received a furlough for medical treatment; however, at year's end he remained in Evin prison.

Police arrested journalist Siamak Pourzand in 2001 and tried him in March 2002 behind closed doors. He was denied free access to a lawyer of his choice and was sentenced to 11 years in prison for "undermining state security through his links with monarchists and counterrevolutionaries." He was kept in solitary confinement for months and physically and psychologically tortured to force him to make a televised confession. He was reportedly urged to implicate others, refused, was released but then returned a month later to Evin prison. In March 2004 Pourzand suffered a heart attack that left him in a coma. After repeated hospitalizations and reimprisonment, Pourzand was furloughed again in 2004 but kept under house arrest, not allowed to leave the country, and could be returned to prison at any time. His wife, Mehrangiz Kar, a human rights defender residing outside the country who faces charges in connection with her participation in a 2000 conference in Berlin, was formerly a political prisoner.

In February the special court for the clergy sentenced Mojtaba Lotfi, a cleric who wrote social and political commentary on his Web site, to 3 years and 10 months in prison. He was released on August 28.

Afshin Zarei, an Internet writer arrested at the beginning of the year, was charged with insulting the supreme leader. According to press accounts by his lawyer in August, Zarei had been held in "temporary detention" for eight months. At year's end no further information was available.

On February 2, Internet writer and journalist Arash Sigarchi received a sentence of 14 years in prison for charges including espionage, aiding "hostile" governments, and insulting the country's leaders. On March 17, he was released pending appeal, after posting \$127 thousand (100 million tomans) bail. In August he was summoned

again to court and charged with insulting religious and political leaders and having a satellite dish, but was out of prison at year's end.

On February 6, according to domestic media, Hojatoleslam Hassan Yusefi-Eshkevari was released from jail. The cleric was arrested in August 2000 and sentenced to four years for saying that dress codes for women are unnecessary in Islam, one year for participating in the 2000 conference in Berlin about reform in the country, and two years for disseminating allegedly false information.

Mojtaba Saminejad, an Internet writer, was arrested on February 13 and sentenced to more than two years in prison on charges including insulting the supreme leader. He was first detained in October 2004 after reporting the arrest of other Internet writers and, according to HRW, tortured and held for 88 days in solitary confinement. On January 27, he was released on \$62,500 (50 million toman) bail. He started another Internet site but was detained again, and his bail tripled, which he could not pay. His trial in May was held behind closed doors; he was sentenced to two years in prison for insulting Khomeini and the supreme leader and charged with apostasy. He was later acquitted of apostasy but remained in Rajai'i Shahr prison.

In April two Kurdish journalists, Ejlal Qavami and Said Saedi, had a hearing in the revolutionary court on charges including undermining national security by calling for an election boycott, insulting the leadership, and portraying the system as ineffective. Between July 28 and August 2, authorities detained both again, along with two Kurdish human rights activists, Roya Tolui and Madeh Ahmadi. In October the public prosecutor in Sanandaj accused Qavami, Saedi, and Tolui of acting against national security and referred their cases to the revolutionary court. At year's end Ahmadi, Tolui, and Qavami were released on bail; Saedi's situation was unknown.

On July 25, police arrested journalist Massoud Bastani for covering a demonstration to support political prisoner Akbar Ganji. Bastani was held in Evin Prison, released August 6, then reimprisoned and sent to Arak prison, normally used for non-political prisoners. He was released for a month but returned to prison on November 5. In December the head of the Association of Iranian Journalists called for Bastani's release and said he was in poor health.

On September 26, at the same time of Judiciary Chief Shahrudi's directive to give leave to all student prisons, the revolutionary court sentenced Ali Afshari, a student leader, to six years in prison and five years deprivation of his civil rights for acting against national security. This ruling came approximately six weeks after Afshari's public call for Akbar Ganji's release. After posting \$250 thousand (200 million tomans) bail, Afshari was allowed to travel outside the country while appealing his sentence. In November student activist Akbar Atri was sentenced in his absence to five years in prison for his activities. In December student leader Abdullah Momeni was given a five-year suspended prison sentence.

Former Deputy Prime Minister and longtime political dissident Abbas Amir-Entezam has been imprisoned for 26 years and reportedly tortured. He has been on leave from prison for more than two years for medical reasons but could be forced to return to prison at any time. He was first released in 2002 but reimprisoned in 2003 for calling for a referendum on whether the country should remain under clerical rule.

Author and journalist Taqi Rahmani has spent 17 years in prison since 1981 for his writings. In 2003 Tehran's chief prosecutor, Mortazavi ordered the arrest of Rahmani and two journalist colleagues, Hoda Saber and Reza Alijani. After a long detention without charges, all three were sentenced to lengthy prison sentences. In November 2004 Alijani, Saber, and Rahmani were released on bail of approximately \$63 thousand (50 million tomans) each. At year's end they remained furloughed.

Abbas Deldar, arrested after the July 1999 student demonstrations in Tehran, has been in prison seven years. He has been periodically furloughed, but at year's end he was in Rajai'i Shahr prison.

Mehrdad Lohrasbi was also arrested in the 1999 student demonstrations. The revolutionary court condemned him to death, but his sentence was later reduced to 15 years, 10 of which were suspended. He was released in 2004 for several months but then returned to jail. He is believed to have been tortured. As of year's end, he remained in Rajai'i Shahr prison and reportedly was in poor health.

Manuchehr and Akbar Mohammadi were also arrested during the July 1999 student demonstrations and sentenced to 15 years prison after appeal. At year's end both were on furlough. Ahmad Batebi received a death sentence for "endangering national security" by participating in the 1999 student demonstrations, later reduced to 10 years by an appeals court in 2000. Batebi was temporarily released in 2004, in advance of the fourth round of talks on human rights with the EU. Subsequently, he was returned to prison and then furloughed again early in the year.

Journalist Amir Abbas Fakhravar was sentenced to eight years in prison in 2002, reportedly because of his comments on the country's political leadership in the book, *This Place Is Not a Ditch*. In February 2003 he and Ahmad Batebi wrote an open letter criticizing the government and calling for a referendum. He was summoned to court, beaten, and transferred to Evin prison, from which he received periodic furloughs, most recently on June 10 (see section 1.c.).

In 2003 police arrested freelance journalist Ensafali Hedayat at the University of Tabriz while he was covering student demonstrations; he was accused of inciting students to revolt. In January 2004 he was arrested after attending a conference abroad organized by a group advocating a democratic, secular state. In May 2004 the Tabriz appeals court confirmed an 18-month prison sentence against him. He subsequently left the country.

Amir Saran, a member of the "National Unity Front," has been in and out of prison since 2003, after being severely beaten during Students Day 2002. He was sentenced to eight years in prison, a decision upheld by the appeals court. At year's end he was in Rajai'i Shahr prison.

In 2003 Hussein Qazian and Abbas Abdi (a revolutionary leader in 1979 who later became a reformist) were sentenced to nine years—later reduced—in the National Institute for Research Studies and Opinion Polls case. In 2002 judicial authorities closed the institute, which had found in a poll commissioned by the majles that a majority of citizens supported dialogue with the United States. Among other offenses, the defendants were charged with spying for a foreign power, although government intelligence officials and then President Khatami publicly stated they were not spies. The supreme court dismissed espionage charges against Abdi in May; at year's end Qazian was released on temporary furlough.

Arjang Davoudi, a teacher, engineer, and poet, was arrested in 2003 for assisting a Canadian reporter making a documentary about Canadian-Iranian photographer Zahra Kazemi. During the year he was condemned by a revolutionary court to either 14 or 15 years in jail (varied by source), exile to a harsh climate, 5 years' suspension of his civil rights, and 70 lashes; reportedly he was beaten and kept in solitary confinement for approximately 100 days. Davoudi wrote a book from prison about interrogations, torture, and extended solitary confinement and had his manuscript privately delivered to a publishing company. According to one report, the information ministry attacked the publishing house, intercepted the manuscript, severely injured the employees, and arrested and imprisoned the publisher.

In April 2004 Peyman Piran, a student activist, was sentenced to 10 years in prison for acting against national security, contacting foreigners, disturbing public opinion, and behaving insultingly (see section 1.d.). In July 2004 security forces forcibly evicted his father, retired teacher Mostafa Piran, and his family. Mostafa Piran had reportedly tried to organize a teachers' strike to mark the anniversary of the July 1999 student demonstrations, in defiance of a ban. He was reportedly beaten and held in solitary confinement. Mostafa was released on March 19, but Peyman remained in Evin prison.

Behruz Javid-Tehrani, a member of the Democratic Party of Iran, was first arrested in 1999 and spent four years in prison. He was then rearrested in July 2004 and condemned to 7 years in prison and 54 lashes. In August it was reported that he was held in solitary confinement for three months and had told relatives that he was severely beaten.

Bina Darabzand, held at Rajai'i Shahr prison, was arrested June 2004 while demonstrating at the UN building in Tehran for the release of political prisoners. He was imprisoned, and at year's end he reportedly had medical problems. In December 2004 student leader Heshmatollah Tabarzadi, jailed since June 2003, was sentenced by the revolutionary court to 16 years in prison. He was temporarily furloughed August 24, but at year's end he was in Evin prison.

Mohsen Sazgara, IRGC founder, turned activist and publisher of now suspended reformist dailies *Jameh*, *Neshat*, and *Tous*, was sentenced on appeal in March 2004 to a year in prison. A week before his release, he was charged with "undermining national security," "insulting the supreme guide," and "antigovernment propaganda" but left the country for medical treatment. On October 2, the revolutionary court sentenced him in his absence to five years in prison. Currently living in a foreign country, Sazgara helped organize an Internet-based referendum for citizens to choose their political system.

In November 2004 local press reported that after an early October trial, a Tehran revolutionary court sentenced former foreign minister Ebrahim Yazdi, leader of the banned Freedom Movement opposition party, to an unspecified but long imprisonment, based on charges of actions against national security, insulting the supreme leader, and other charges. At year's end he was not in prison, but his court case

remained pending. He registered as a presidential candidate in the elections this year but was rejected by the guardians council.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution states that “reputation, life, property, (and) dwelling(s)” are protected from trespass except as “provided by law”; however, the government infringed on these rights. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization. There were widespread reports that the homes and offices of reformist journalists were entered, searched, or ransacked by government agents in an attempt to intimidate.

Vigilante violence included attacking young persons considered too “un-Islamic” in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts. At year’s end there was no systematic campaign, although greater enforcement was reported on university campuses.

Authorities entered homes to remove television satellite dishes, although the vast majority of satellite dishes in individual homes continued to operate. Early in 2004, Western media reported that Islamist militia confiscated approximately 40 thousand satellite dishes from 4 factories secretly manufacturing satellite equipment in eastern Tehran.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of expression and the press, within limits. Article 23 of the constitution states “investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.” Article 24 of the constitution states “publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. . . .” At the same time, penal code states that “anyone who undertakes any form of propaganda (undefined) against the state” can be imprisoned up to a year. The press law forbids censorship but also forbids disseminating information that may damage the Islamic Republic or offend its leaders and religious authorities. It also subjects writers to prosecution for instigating crimes against the state or insulting (not defined) Islam, which in the case of the latter, can be punished by death.

In practice the government severely restricted freedom of speech and of the press. Harassment of journalists increased after President Ahmadinejad assumed office in August. The December UNGA resolution on the human rights in the country expressed, among other abuses, serious concern at the continuing harassment, intimidation, and persecution of human rights defenders, nongovernmental organizations, clerics, journalists and Internet writers, parliamentarians, students and academics. It cited unjustified closure of newspapers and blocking of Internet sites.

The government continued to harass senior Shi’a religious and political leaders and their followers who dissented from the ruling conservative establishment. In May 2004 the special court for the clergy in Qom arrested Hojatoleslam Mojtaba Lotfi, an aide to Ayatollah Montazeri, for publishing a book that detailed the ayatollah’s five years under house arrest. The court confiscated all copies of the book (see section 1.e.).

Members of parliament who spoke out against arrests of journalists and students were summoned to court. These included Elaheh Kula’i, former member of the majles and deputy secretary general of the Islamic Iran Participation Front, who was summoned on July 24 and charged with engaging in propaganda against the system and acting against national security but was not sentenced.

In the spring of 2001, security forces arrested then majles deputy Fatima Haqiqatju for inciting public opinion, insulting the judiciary by criticizing the arrest of a female journalist, and claiming that the government tortured prisoners. She was the first sitting majles member to face prosecution for statements made when protected by parliamentary immunity. Haqiqatju was sentenced to 17 months in prison but released from custody. In June 2004 the public prosecutor summoned her to court and charged her with “propaganda against the system,” and “insulting the council of guardians, the judiciary, and the Islamic Revolutionary Guard Corps.” She was released on bail but forbidden to leave the country. In November 2004 Haqiqatju was summoned to court on a complaint by the public prosecutor about her 2003 majles resignation speech and faced similar charges. During the year there was no further juridical action, and she was allowed to travel outside the country.

There were reports of bans on election material (see section 3). Two reformist political groups, the Islamic Revolution Mojahedin Organization and the Islamic Iran Participation Front reported in June that an election-related brochure was banned on the excuse that it insulted a candidate. The interior ministry criticized state tele-

vision in April for lack of impartiality in the elections and accused it of providing publicity for some of the conservative candidates (see section 3).

After the 1997 election of President Khatami, the independent press, especially newspapers and magazines, played an increasingly important role in providing a forum for an intense debate regarding reform in the society. However, the press law prohibited the publishing of a broad and ill-defined category of subjects, including material “insulting Islam.” Self-censorship, rather than formal governmental censorship, was practiced. Basic legal safeguards for freedom of expression did not exist, and since approximately 2000, the independent press has been subjected to arbitrary enforcement measures by elements of the government, notably the judiciary. During this period approximately 100 newspapers and magazines have been closed for varying periods.

Early in the year, judiciary officials made statements that suggested reduced repression for journalists. On February 28, Tehran Justice Department Chief Alizadeh said that new judiciary guidelines mandated that, in the first instance, a reporter should be cautioned, and if that were not sufficient, he or the managing editor should be summoned. On March 9, Judiciary Head Shahrudi stated that judiciary departments were asked not to close newspapers—as far as possible—and to pursue cases against individuals rather than publications. Reportedly, he said “the press can be a strong factor in preventing corruption among officials.” No formal directive was issued; however, on the same day, a court lifted a ban on *Neshat*, a reformist daily closed six years earlier.

Nevertheless, freedom of the press continued to deteriorate during the year, and journalists were frequently threatened and sometimes killed because of their work. The government closed a number of reformist newspapers and magazines and sentenced many of their managers to jail and, sometimes, lashings. A handful of proreform newspapers continued to publish, most with heavy self-censorship, but new reformist newspapers no longer opened to replace those closed. As of July 1, Reporters Without Borders (RSF) reported that there were 12 journalists and cyberdissidents in prison in the country (see section 1.e.).

According to the Tehran-based Association for Advocating Freedom of Press, state pressure on journalists increased since Ahmadinejad became president in August. In October according to foreign press, a so-called Islamic Army in Iran circulated a list of 210 dissident journalists that it wanted to eliminate, calling them enemies of Islam. In an August statement printed in local press, Ansar-e Hizballah decried “hypocritical journalism” and stated that government hesitance in ripping out these “weeds” does not absolve Hizballah from doing their duty.

In November RSF accused ministry of intelligence officials of harassing journalists, claiming government officials recently had summoned at least 10 journalists for questioning and advised them not to criticize the new president or write articles on sensitive issues like the nuclear program. In November the culture minister was quoted as saying that newspapers that attacked the country’s religious values would be under stricter surveillance but that, for the time being, members of the press would receive warnings and not be arrested.

HRW asserted, “By attacking a small percentage of those critical of the government, Iranian authorities have been able to silence a much larger body of journalists, activists, and students.”

The press law established the press supervisory board, which is responsible for issuing press licenses and examining complaints filed against publications or individual journalists, editors, or publishers. In certain cases the board may refer complaints to the press court for further action, including closure. Its hearings were conducted in public with a jury composed of clerics, government officials, and editors of government-controlled newspapers. On September 20, domestic media reported that the Association of Young Journalists protested the composition of the press jury as too limited in representation.

In the last few years, some human rights groups asserted that the increasingly conservative press court assumed responsibility for cases before press supervisory board consideration, often resulting in harsher judgments. Efforts to amend the press laws have not succeeded, although in 2003, parliament passed a law limiting the duration of temporary press to stop the practice of extending “temporary” bans indefinitely.

The press law allows government entities to act as complainants against newspapers, and often public officials lodged criminal complaints against reformist newspapers that led to their closures. Offending writers were subjected to lawsuits and fines.

Among those prosecuted or threatened were journalists writing about ethnic issues. On April 25, police arrested Yusuf Azizi Banitaraf, a reformist Iranian-Arab journalist, during a press conference at the Center for the Defense of Human Rights

in Tehran. Formerly with the daily newspaper *Hamshari*, Banitaraf wrote extensively on ethnic minorities, defended protestors, and condemned the violence after ethnic clashes on April 15 in Khuzestan between security forces and the Arab community. On June 28, he was released on bail of \$25 thousand (20 million toman) (see sections 1.a. and 5).

On March 8, the Islamic culture and guidance ministry closed the proreform magazine *Jameh-yi No* and closed the monthly *Karnameh* on April 7 for publishing "immoral" news and poems.

On April 18, the government closed the Tehran bureau of *Al-Jazeera* after its correspondent reported on the clashes in Khuzestan and concurrently banned journalist travel to the region.

On June 20, the Tehran prosecutor's office banned the newspapers *Eqbal*, *Aftab-e Yazd*, *Etemaad*, and *Hayat No* after they published a letter to the supreme leader from presidential candidate Mehdi Karroubi, who finished third in the first round of the presidential elections on June 17. Karroubi accused military organizations of breaking the law by supporting Ahmadinejad. All newspapers except *Eqbal* were allowed to resume publication on June 21; the editor of *Eqbal* was told the newspaper faced other complaints (see section 3).

In August authorities sentenced Mohammad Sedigh Kabovand, editor of the weekly newspaper *Payam-i Mardom-i Kurdistan*, to 18 months in prison. According to RSF, Kabovand's lawyer, Abdolfattah Soltani, was not present, as Soltani was also in prison (see section 1.e.).

On October 16, the publishers of three magazines were tried in open court, with a jury selected by the judiciary, culture ministry, and Tehran city council. One was accused of publishing photographs of attractive celebrities to attract readers, thereby undermining Islamic values. Another was charged with spreading lies about the risk of AIDS in a local prison. At year's end there was no further information.

The government increased control over the Internet as more citizens accessed it for news and political debate. HRW cited an online February 2004 "census" ranking Farsi the third-most-popular language for Internet Web sites (many of these were written from outside the country). An 2004 poll found many citizens trusted the Internet more than other news media. During the year approximately 6.2 million citizens used the Internet, and there were 683 Internet Service Providers.

In 2003 a government spokesman acknowledged state attempts to block access to "immoral" Internet sites. The judiciary also announced the creation of a special unit to handle Internet-related issues. According to press reporting, the judiciary highlighted over 20 subject areas to be blocked, including: insulting Islam; insulting the supreme leader or making false accusations about officials; undermining national unity and solidarity; and propagating prostitution and drugs.

Beginning in 2004 the government launched a major crackdown on sites based in the country, including "weblogs," reportedly blocking hundreds of Internet sites. According to HRW, since September 2004 Tehran's Chief Prosecutor, Saeed Mortazavi, reportedly ordered more than 20 Internet journalists and civil society activists arrested and held in a secret detention center in Tehran.

In December 2004 in a public letter to President Mohammed Khatami, Rajabali Mazrui, the father of one of those detained as well as president of the Association of Iranian Journalists and a former majles member, implicated the judiciary in the torture and secret detention of these individuals. His son, Hanif Mazrui, a computer technician for the banned newspaper *Vaghayeh Etefaghieh*, was arrested in September 2004. He was freed on November 11 after paying bail of approximately \$19 thousand (15 million tomans).

In December 2004 four "weblog" detainees were presented at a televised "press conference" arranged by Judge Mortazavi and denied mistreatment. However, widespread and credible reports indicated that while in secret detention, threats, torture, and physical abuse were employed to obtain false confessions and letters of repentance (see section 1.e.). After release some detainees testified to a presidential commission. Commission member and former presidential advisor Mohammad Ali Abtahi later wrote in his Internet site that they claimed they were beaten, held in solitary confinement, denied access to lawyers, and forced to make false confessions. On January 2, Abtahi reported that the government blocked access to his Internet site.

On January 11, Judiciary Head Shahrudi and other judiciary officials met with several Internet writers about their claims of mistreatment. On January 16, domestic media reported that Shahrudi instructed the public prosecutor's office to transfer the case to a special committee from the judiciary. The report on the treatment of the Internet writers was never publicly released (see section 1.c.). By year's end most were released on bail. After their release, RSF reported that authorities sum-

moned the bloggers for questioning several times a week, and they received threats from government officials.

On October 18, RSF accused the government of increasing control, surveillance, and censorship of the Internet. A study published by HRW listed Internet sites in the country blocked in mid-October. These sites included women's rights Web sites, several foreign based Farsi-language news sites, some popular Internet writer sites, the Freedom Movement Party Web site, a Web site promoting the views of Ayatollah Montazeri, some Kurdish Web sites, Web sites dedicated to political prisoners, and a Baha'i Web site. In October government authorities blocked access to the Baztab news Web site. The Web site manager said they received a judicial order saying the temporary ban was based on a complaint related to the nuclear issue. During November and December, three other Internet sites dealing with news and political issues were blocked. On December 13, 13 majles deputies protested Internet censorship in a letter to President Ahmadinejad and urged him to end the ban on these three sites.

In October 2004 Fereshteh Ghazi, a journalist addressing women's issues for the daily newspaper *Etemad*, was arrested on a variety of charges. According to press accounts, at least part of the time she was held in an undisclosed location and beaten for refusing to confess. Upon release in December 2004, she was immediately hospitalized.

The government, in the form of the sound and vision organization, directly controlled and maintained a monopoly over all television and radio broadcasting facilities; programming reflected the government's political and socioreligious ideology. Because newspapers and other print media had a limited circulation outside large cities, radio and television served as the principal news source for many citizens. Satellite dishes that received foreign television broadcasts were forbidden; however, many citizens, particularly the wealthy, owned them. The government has in the past blocked foreign satellite transmissions using powerful jamming signals. Separately the government ruled that private broadcasting was illegal, and cooperation with any private broadcasting was also illegal.

Foreign journalists also faced harassment. The government required foreign correspondents to detail their travel plans and proposed stories before receiving visas; some were denied visas.

The culture ministry must give permission to publish any book and inspects foreign printed materials prior to their domestic release. In November the minister of Islamic culture and guidance promised more stringent controls on books, cinema, and theater, although he indicated the change would not be immediate. He also warned of greater surveillance of "hundreds" of cultural associations. The new cultural ministry officials have also reportedly cancelled more than 30 concerts.

The government also effectively censored domestic films, since it remained the main source of production funding. Producers must submit scripts and film proposals to government officials in advance of funding approval. After President Ahmadinejad assumed office in August, the supreme cultural revolution council announced a ban of movies promoting secularism, feminism, unethical behavior, drug abuse, violence, or alcoholism. Films of some domestic directors were not permitted to be shown in the country.

The government restricted academic freedom. Government informers were common on university campuses. More generally, there were reports that the government maintained a broad network of student informants in Qom's major seminaries, who reported teachings counter to official government positions.

Admission to universities was politicized; all applicants had to pass "character tests" in which officials eliminated applicants critical of the government's ideology. To obtain tenure, professors had to refrain from criticism of the authorities. The new administration changed the heads of many universities. At Tehran University, students protested when the government overrode the normal selection process and for the first time named a cleric without an advanced degree, who was also a Tehran University professor, to run the institution.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The constitution permits assemblies and marches "provided they do not violate the principles of Islam"; however, in practice the government restricted freedom of assembly and closely monitored gatherings to prevent antigovernment protests. Such gatherings included public entertainment and lectures, student gatherings, labor protests, funeral processions, and Friday prayer gatherings.

During a wave of student protests in 2003, government-supported vigilantes beat many protestors, and police arrested approximately four thousand persons according to government figures shortly after the protests. It was not known how many of

those arrested were still in jail; approximately 130 were still detained as of December 2004. An unknown number of students arrested in the 1999 demonstrations remained in prison (see section 1.e.).

Paramilitary organizations such as the Ansar-e Hizballah, a group of vigilantes who seek to enforce their vision of appropriate revolutionary comportment upon the society, harassed, beat, and intimidated those who demonstrated publicly for reform. They particularly targeted university students. On November 7, unknown assailants attacked a prominent political activist, Behzad Nabavi, in Khuzestan.

On June 8, human rights activists and representatives of the Union of Advocates of Democracy demonstrated at Evin prison and called for the release of Naser Zarafshan (see section 1.e.). A student committee in Tabriz held a hunger strike in support. Approximately 200 persons protesting Akbar Ganji's imprisonment clashed with police on July 12. According to the press, police beat dozens of the protestors with batons to break up the demonstration and arrested some distributing leaflets. Hashem Aghajari, a former political prisoner (see section 1.e.), and some family members of detainees participated. On August 11, a crowd of 100 to 250 persons gathered in front of the hospital where Ganji was held to protest his detention. Organized by a student organization, the office for strengthening unity, student leader Ali Afshari (see section 1.e.) called for Ganji's immediate release.

Freedom of Association.—The constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, provided that such groups do not violate the principles of "freedom, sovereignty, and national unity," or question Islam as the basis of the Islamic Republic; however, the government limited freedom of association, in practice.

In 2002 the government permanently dissolved the Freedom Movement, the country's oldest opposition party, jailing some members and barring others from political activity for up to 10 years (see sections 1.e. and 3).

The intelligence ministry prevented members of the Iran Writers Association from meeting on May 3 to prepare for the group's general assembly. According to one broadcast report, ministry officials told the group that their lives were in danger.

c. Freedom of Religion.—The constitution declares that the "official religion of Iran is Islam and the doctrine followed is that of Ja'fari (Twelver) Shi'ism." The constitution also states that "other Islamic denominations are to be accorded full respect" and recognizes Zoroastrians, Christians, and Jews, the country's pre-Islamic religions, as "protected" religious minorities; however, in practice the government restricted freedom of religion. Religions not specifically protected under the constitution, particularly Baha'is, did not enjoy freedom of religion.

The central feature of the country's Islamic republican system is ruled by a "religious jurisconsult." Its senior leadership consisted principally of Shi'a clergymen, including the supreme leader of the revolution, the president, the head of the judiciary, and the speaker of parliament.

Societal Abuses and Discrimination.—The population is approximately 99 percent Muslim, of which 89 percent were Shi'a and 10 percent Sunni. Baha'i, Christian, Zoroastrian, and Jewish communities constituted less than 1 percent of the population.

The government carefully monitored the statements and views of the country's senior Muslim religious leaders. It restricted the movement of several who have been under house arrest for years. All ranking clerics were pressured to ensure their teachings confirmed or at least did not contradict government policy and positions (see section 1.e.).

Sunni Muslims are the largest religious minority in the country. The constitution provides Sunni Muslims a large degree of religious freedom. In practice Sunni Muslims claimed that the government discriminated against Sunnis, although it was hard to distinguish whether the cause for discrimination was religious or ethnic, since most Sunnis are also ethnic minorities. As an example, Sunnis cited the lack of a Sunni mosque in the nation's capital, Tehran, despite over a million Sunni inhabitants.

Members of the country's non-Muslim religious minorities, particularly Baha'is, reported imprisonment, harassment, and intimidation based on their religious beliefs. On November 21, the domestic press quoted a leading cleric, Ayatollah Janati, as saying humans who follow anything but Islam are like animals who graze and commit corruption. The remark was widely criticized in the country, and the majles representative of the Zoroastrian community publicly condemned Janati's remarks. The representative was then summoned to court to face charges of spreading false news and showing lack of respect for authorities, but at year's end no case had been pursued against him.

All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in employment, education, and housing. With the exception of Baha'is, the government allowed recognized religious minorities to conduct religious education of their adherents, although it restricted this right considerably in some cases. Religious minorities are barred from election to a representative body, except for the five majles seats reserved for minorities, and from holding senior government or military positions, but they were allowed to vote. Although the constitution mandates an Islamic army, members of religious minorities sometimes served in the military.

The legal system previously discriminated against the recognized religious minorities in relation to "blood money"; however, in January 2004 the expediency council authorized collection of equal blood money for the death of Muslims and non-Muslim men. Women and Baha'i men remained excluded from the revised ruling.

Proselytizing of Muslims by non-Muslims is illegal. The government did not ensure the right of citizens to change or recant their religion. Apostasy, specifically conversion from Islam, is punishable by death; there were no reported instances of the death penalty being applied for apostasy during the year. However, there was an unconfirmed report on Christian Web sites that on November 22, unidentified persons killed a man who had converted to Christianity more than 10 years earlier. Reportedly, his death was followed by repression of other Christians, including arrests of 10 Christians.

Baha'is are considered apostates because of their claim to a religious revelation subsequent to that of the Prophet Mohammed. The government defined the Baha'i Faith as a political "sect" linked to the Pahlavi monarchy and, therefore, as counterrevolutionary. Historically at risk, Baha'is often have suffered increased levels of mistreatment during periods of political unrest and also faced discrimination prior to the revolution as well as currently.

Baha'i organizations outside the country warned that the circumstances of their coreligionists deteriorated during the year. The country's estimated 300 to 350 thousand Baha'is were not allowed to teach or practice their faith or maintain links with coreligionists abroad. The government continued to imprison and detain Baha'is based on their religious beliefs. In 1993 the UN Commission on Human Rights released a copy of a 1991 memorandum from the supreme revolutionary council to the supreme leader, which outlined processes to gradually strangle the Baha'i community, including banning Baha'is from all higher education. A 2001 justice ministry report also indicated that government policy aimed at the eventual elimination of the Baha'is as a community.

On December 19, the longest held Baha'i prisoner, Zabihullah Mahrami, died in prison of unknown causes. Mahrami was arrested in 1995 and faced a life sentence for apostasy. Two other Baha'is were in prison at year's end, including Mehran Kawsari, who wrote a letter in November 2004 to then President Khatami on the situation of Baha'is. He was sentenced to three years in prison for activities against the security of the state and spreading falsehoods. In addition the government arrested 65 other Baha'is, detained them, but later released them on bail. While imprisoned, often their families were not informed of their location, and authorities denied any record of their arrests or did not indicate charges against them. Some were not allowed to work for several months after their release. Government agents also searched numerous Baha'i homes and seized possessions.

In 2004 for the first time, Baha'i applicants were permitted to participate in the nationwide exam for entrance into state-run colleges. However, for those students who passed the exam, the word "Islam" was preprinted on their forms. This action precluded Baha'i matriculation, since Baha'is do not deny their faith; only a few students were allowed to enroll. Despite many with high scores, no Baha'i students were accepted into state universities during the year. Private universities reportedly only accepted adherents to officially recognized religions.

The UNGA resolution on the country's human rights passed in December expressed serious concern at continuing discrimination against religious minorities, citing in particular the escalation of violations against Baha'is. It called on the government to implement the 1996 report of the UNSR of the commission on human rights on religious tolerance, particularly in regard to the Baha'i community.

In 2001 the UNSR estimated the Christian community at approximately 300 thousand. Of these the majority were ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also were active, but they reported restrictions on their activities. The authorities became particularly vigilant in recent years in curbing proselytizing activities by evangelical Christians. Some unofficial estimates indicated there were approximately 100 thousand Muslim-born citizens who converted to Christianity. The UNSR estimated that 15 thousand to 20 thousand Christians a year emigrated; however, given the continued exodus from

the country for economic and social reasons, it was difficult to establish the role religion played in the choice to emigrate.

In May and June 2004, several Christians in the northern part of the country reportedly were arrested, and in September 2004 officials raided a Protestant Assemblies of God church, imprisoning its minister and former military officer, Hamid Pourmand. He was reportedly held incommunicado for five months. In February a military court found Pourmand guilty of “deceiving the armed forces” for not declaring he was a convert to Christianity. He was sentenced to three years in prison and discharged from the military, despite presenting evidence to demonstrate that his military superiors knew he was a Christian. On May 2, the judiciary spokesman said Pourmand was convicted for involvement with a “political group” and not because of his religion. On May 28, the Bushehr revolutionary court cleared Pourmand of apostasy but sentenced him to three years in prison for espionage.

Estimates of the Jewish community varied from 15 thousand to 30 thousand. The government’s anti-Israel stance, and the perception among many citizens that Jewish citizens supported Zionism and Israel, created a threatening atmosphere for the community.

In April Ayatollah Hossein Nouri-Hamedani, a leading religious authority, told a group of clerics that “one should fight the Jews and vanquish them,” to hasten the return of the Hidden Imam.

In late October President Ahmadinejad told “The World without Zionism” conference that “As the Imam [revolutionary leader, Ayatollah Ruhollah Khomeini] said, Israel must be wiped off the map.” While chants of “Death to Israel” were frequently heard at public gatherings, this was the first call for Israel’s destruction by an government official in recent years. His remarks were internationally condemned, including by the UN Security Council. Supreme Leader Khamenei, while not repudiating Ahmadinejad’s remarks, said the country would not commit aggression against any nation. Nonetheless, Ahmadinejad continued in subsequent speeches to make similar comments, labeling the Holocaust a myth and proposing the removal of the Jewish state from the Middle East.

Jewish leaders reportedly were reluctant to draw attention to official mistreatment of their community and did not openly express support for Israel for fear of reprisals. Nonetheless, according to domestic media, on April 13, the Jewish member of parliament, supported by the speaker, complained that state television broadcast anti-Semitic programs. He said repeated complaints had not changed the situation.

Islamic Republic of Iran Broadcasting (IRIB) replied in a letter read in the majles that its programming was based on “research and documentary evidence” and claimed programming gave more attention to positive Jewish characters, according to an April 21 local press report. IRIB’s statement notwithstanding, anti-Semitic material on Iranian television included a serial started in December 2004, “Zahra’s Blue Eyes,” in which Israelis reportedly kidnap Palestinian children to harvest organs for transplant. Another program, *Al-Shatat*, originally broadcast by Hizballah’s Al-Manar television channel, portrayed the Jewish people as responsible for most of the world’s problems.

In recent years the government has made the education of Jewish children more difficult by strongly discouraging the distribution of Hebrew texts and requiring that several Jewish schools remain open on Saturdays, the Jewish Sabbath. Individual Jews worshiped without systematic persecution; however, a synagogue in Esfahan was vandalized in mid-November. There were limits on the level to which Jews can rise professionally, particularly in government. Jewish citizens were permitted to obtain passports and travel outside the country. They were periodically denied the multiple-exit permits issued to others, and on occasion the government did not permit all members of a Jewish family to travel outside the country at the same time.

The Mandaeans, whose religion draws on Christian Gnostic beliefs, number approximately 5 thousand to 10 thousand persons, primarily in the southwest. There were reports that Mandaeans experienced discrimination, pressure to convert to Islam, and problems accessing higher education. The Zoroastrian community, whose religion was the country’s official religion before Islam, numbers approximately 30 to 35 thousand. Sufi organizations outside the country have in the past expressed concern about government repression of Sufi religious practices.

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 government placed some restrictions on these rights. Citizens may travel within the country and change their place of residence without obtaining official permission. The government required exit permits for foreign travel for draft-

age men and citizens who were politically suspect. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, must post bonds to obtain exit permits. The government restricted the movement of certain religious minorities and several religious leaders (see sections 1.d. and 2.c.), as well as some scientists in sensitive fields.

On January 25, according to domestic media, the revolutionary court announced that former deputy minister for Islamic culture and guidance, Issa Saharkhiz, was banned from foreign travel. Saharkhiz headed a press freedom association and was accused of giving interviews to foreign media, spreading propaganda against the country, waging psychological warfare, exploiting his position, misusing government property, and earning money illegally. According to domestic media on April 6, government authorities prevented Journalists' Guild head, Rajabali Mazrui, from leaving the country for a conference in Denmark; no reason was given (see sections 1.e. and 2.a.). At year's end the president of the Association in Defense of Prisoners' Rights, Emaddedin Baqi, was prevented from going to France to accept a human rights prize.

Citizens returning from abroad sometimes were subjected to searches and extensive questioning by government authorities for evidence of antigovernment activities abroad. Recorded and printed material, personal correspondence, and photographs were subject to confiscation.

Women must obtain the permission of their husband, father, or another male relative to obtain a passport. Married women must receive written permission from their husbands before leaving the country.

The government did not use forced external exile, and no information was available regarding whether the law prohibits such exile; however, the government used internal exile as a punishment.

The government offered amnesty to rank-and-file members outside the country of the Iranian terrorist group, Mujaheddin-e Khalq (MEK), and the ICRC assisted voluntary repatriation from Iraq. Approximately 300 MEK members have voluntarily repatriated.

Protection of Refugees.—The law provides for granting asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol. The government has established a system for providing protection to refugees. There were no reports of the forced return of persons to a country where they feared persecution; however, there were reports that the government deported refugees deemed "illegal" entrants into the country. In times of economic uncertainty, the government increased pressure on refugees to return to their home countries. The government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and refugee seekers.

There was no information on the policy of the government regarding temporary protection to individuals who may not qualify as refugees under the 1951 Convention or its 1967 protocol.

According to UNHCR, the country was the leading refugee-hosting country in 2004, with 1,046,000 refugees. According to the US Committee for Refugees and Immigrants (USCRI), these included 952,800 Afghans and 93,200 Iraqis. Less than 10 percent of Iraqis and 2 percent of Afghans lived in camps, according to USCRI. The country closed most of its camps after large-scale returns of Iraqis.

In September 2004 UNHCR estimated that approximately one million refugees from Afghanistan were in the country, with up to one million having returned to Afghanistan since the fall of the Taliban in December 2001. The government accused many Afghans of involvement in drug trafficking.

According to USCRI, the country passed regulations in February that increased fines for employers of Afghans without work permits and imposed new restrictions making it difficult for Afghans to obtain mortgages, rent or own property, and open bank accounts. It did not impose the same restrictions on Iraqi refugees. These rules also included new restrictions on residence in certain cities and regions and lifted the earlier exemption from school fees for Afghan refugee children. UNHCR cut all education assistance to Afghans.

In January a government official was quoted in domestic media that Afghan refugees could no longer stay because there was no more aid from international organizations and the UNHCR had not provided funding since the summer of 2004. However, he denied the country was forcibly repatriating Afghan refugees.

In January the judiciary announced amnesty for imprisoned Afghans, including those on death row. Following their release, these Afghans would be repatriated. There were reports early in the year of Afghans being arrested and deported in the southeast of the country. Most were illegal migrants, seeking to stay in the country for economic reasons, but some had temporary residence permits. Government offi-

cials denied arresting refugees. USCRI's June survey noted that the country had deported 140 thousand Afghans, including some with refugee status. At one border crossing, the government worked with UNHCR to allow deportees to claim asylum or other reasons why they should not be deported, but it did not set up similar facilities at other border crossings.

The UNHCR estimated that in 2001 there were approximately 200 thousand Iraqi refugees in the country, the majority of whom were Iraqi Kurds, but also including Shi'a Arabs. In numerous instances both the Iraqi and Iranian governments disputed their citizenship, rendering many of them stateless.

In November 2003 the UNHCR initiated a pilot repatriation of Iraqi refugees from the country. According to UNHCR, there were 5,627 facilitated returns during the year and a total of 18,303 such returns since 2003. Additionally, an estimated 185 thousand refugees returned spontaneously to Iraq since 2003, including approximately 60 thousand during the year. The country honored UNCHR's advisory for Iraqi refugees that conditions in Iraq were not conducive to mass returns.

Although the government claimed to host more than 30 thousand refugees of other nationalities, including Tajiks, Uzbeks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis, and Pakistanis, it did not provide information about them or allow the UNHCR or other organizations access to them. On August 17, a small group of Uzbeks living in the country without refugee status protested outside of several European embassies in Tehran, pleading for asylum in the West. They claimed that they could not return to Uzbekistan where they would be accused of membership in the Islamic Movement of Uzbekistan terrorist organization. Subsequently, UNHCR told the media that their cases were under consideration; however, there was no further information on other refugees during the year.

USCRI also reported that few international humanitarian agencies operated in the country because the government restricted their operations and did not allow UNHCR to fund them.

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

Elections and Political Participation.—The right of citizens to change their government was restricted significantly. The supreme leader, the recognized head of state, is elected by the assembly of experts and can only be removed by a vote of this assembly. The assembly is restricted to clerics, who serve an eight-year term and are chosen by popular vote from a list approved by the government. There is no separation of state and religion, and clerical influence pervades the government. According to the constitution, a presidential candidate must be elected from among religious and political personalities (“rejal”—interpreted by the guardians council as meaning men only), of Iranian origin, and believe in the Islamic Republic's system and principles. The council of guardians, which reviews all laws for consistency with Islamic law and the constitution, has “approbatory supervision,” which allows it to screen candidates for election. It accepted only candidates who supported a theocratic state. The supreme leader also approved the candidacy of presidential candidates, with the exception of an incumbent president. Prior to the 2004 parliamentary elections, the guardians council vetoed legislation that would have required it to reinstate disqualified candidates unless the council legally documented their exclusion. Regularly scheduled elections are held for the presidency, the majles, and the assembly of experts, as well as local councils.

The December 16 UNGA resolution on the country's human rights expressed serious concern at “the absence of many necessary conditions” for free and fair elections during the June presidential campaign, including arbitrary disqualification of large numbers of prospective candidates and excluding all women.

The fairness of the June presidential elections was undermined both before and during the polls. The council of guardians initially approved the candidacies of only 6 of 1,014 persons who registered and excluded all 89 female candidates, as well as anyone critical of the leadership, including former cabinet ministers. Following a request from Speaker of the Parliament Haddad-Adel, the supreme leader sent the council a letter asking that two candidates be reconsidered, and the council agreed.

Many candidates and the interior ministry complained of irregularities during the course of the polling, including interference by military and basiji, defamation of the candidates, and vandalism of campaign materials; there were no international election observers. The guardians council conducted a partial and random recount of first round ballots and said it found no evidence of fraud. In the second round, among the problems reported was that security personnel allegedly arrested an interior ministry official who was trying to inspect a polling station. After the second round, the supreme leader denied the allegations of basiji involvement, and the guardians council validated the results on June 29. In July the interior minister an-

nounced he was prepared to order a partial recount, but the guardians council made clear it considered the results final. Domestic press said 104 cases of alleged violations were under review and suspects detained in 26 cases. According to official statistics, Mahmoud Ahmadinejad won the run-off race with 61 percent of the votes.

Newspapers that published a letter from one candidate, Mehdi Karroubi, to the supreme leader complaining of wrongdoing in the first round were banned from publishing the following day (see section 2.a.).

Elections that were widely perceived as neither free nor fair were held for the 290-seat majles in February 2004. The guardians council barred over a third of the more than 8 thousand prospective candidates, mostly reformists, to include over 85 sitting majles members seeking re-election.

Elections were last held in 1998 for the 86-member assembly of experts and were scheduled to be held in 2006. In 1998 the council of guardians disqualified numerous candidates, which led to criticism from many observers that the government improperly predetermined the election results.

The constitution allows for the formation of parties. There are more than 100 registered political organizations, but these groups tended to be small entities, often focused around an individual, and do not have nation-wide membership. Following the June presidential elections, these political groupings significantly reorganized, with new groups forming and existing entities changing leadership.

In 2002 the government permanently dissolved the Freedom Movement, the country's oldest opposition party, and sentenced over 30 of its members to jail terms ranging from 4 months to 10 years on charges of trying to overthrow the Islamic system. Other members were barred from political activity for up to 10 years and fined (see section 2.b.).

Women held 12 out of 290 majles seats. There were no female cabinet ministers, although several held high-level positions, including one of the nine vice presidents and head of the environmental protection organization. Five majles seats are reserved for religious minorities. Other ethnic minorities in the majles include Arabs and Kurds. There were no non-Muslims in cabinet or on the supreme court.

Government Corruption and Transparency.—There was widespread public perception of extensive corruption in all three branches of government, to include the judiciary, and in the *bonyads* (foundations supposedly for charitable activity). In March Judiciary Head Shahrudi claimed the judiciary was pursuing “700 to 800” corruption files related to state officials. However, he clarified that these offenses were usually the work of “junior administrators” and high officials should not be prosecuted for the activities of their subordinates. On October 24, in responding to criticism of a government report on corruption that omitted names, Shahrudi said that those involved with financial crimes would not be publicly identified until they are found guilty or the appeals process exhausted. He also reportedly told the majles on November 2 that inefficient economic institutions were at the root of corrupt practices and the duality of the economy—both state and private ownership—contributed to the problem.

The country apparently has no laws providing for public access to government information.

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

The government continued to restrict the work of local human rights groups. The government denies the universality of human rights and has stated that human rights issues should be viewed in the context of a country's “culture and beliefs.”

In July 2004 the government granted permission to operate to an independent nonpolitical NGO, the Society for the Defense of the Rights of Prisoners. It worked to protect detainees and promote prison reform, established a small fund to provide free legal advice to prisoners, and supported the families of detainees. Founders included former political prisoners Emadeddin Baqi and Mohammad Hassan Alipour. On September 4, the group appealed to Judiciary Chief Ayatollah Shahrudi for progress in some of the most sensitive political prisoners' cases (see section 1.e.).

Various professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their fields, as well as harassment and intimidation against individual members of their professions. On February 15, the Association in Defense of Press Freedoms announced that eight persons involved in press affairs were in prison (see section 1.e.). However, the government severely curtailed these groups' ability to meet, organize, and effect change.

There were domestic NGOs working in areas such as health and population, women and development, youth, environmental protection, human rights, and sustainable development. Some reports estimated a few thousand local NGOs were in

operation. However, a more restrictive environment accompanied the new presidential administration.

The EU established a human rights dialogue with the country in 2002, but in a December 20 press release, it called the results disappointing and said the country had not agreed to a meeting during the year. The EU expressed deep concern that the human rights situation had not improved and in many respects worsened.

International human rights NGOs were not permitted to establish offices in or conduct regular investigative visits to the country. On an exceptional basis, in June 2004 AI officials visited the country as part of the EU's human rights dialogue, joining academics and NGOs to discuss the country's implementation of international human rights standards.

The ICRC and the UNHCR both operated in the country. The government allowed the UN Special Rapporteur on violence against women to visit from January 29 to February 6, and the UNSR on housing from July 19 to 30. The December UNGA resolution on human rights in the country encouraged the government to receive UNSRs on extrajudicial, summary, or arbitrary executions, torture, independence of judges and lawyers, freedom of religion or belief, and freedom of opinion and expression. It also encouraged the government to receive the Special Representative of the Secretary General on the situation of human rights defenders and the Working Group on Enforced or Involuntary Disappearances.

The Islamic Human Rights Commission was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the government established a human rights committee in the majles, the article 90 commission, which received and considered complaints regarding violations of constitutional rights; however, when the seventh majles formed its new article 90 commission, the commission dropped all cases pending from the sixth majles. During the year the commission took no effective action.

In 2003 lawyer and human rights activist Shirin Ebadi received the Nobel Peace Prize for her work in advancing human rights. Ebadi has campaigned on behalf of women, children, and victims of government repression. She represented the family of Darius and Parvaneh Forouhar, killed in 1998, and the family of a student killed during the 1999 student protests, and was arrested in 2000. Ebadi is a founder of the Center for the Defense of Human Rights, which represents defendants in political cases.

In mid-January Ebadi announced that the judiciary summoned her, but she claimed the summons was not legal because it did not specify any charges. She refused to attend, and the summons was withdrawn. Subsequently, the head of the revolutionary court said there was no complaint against Ebadi and that there was no reason to summon her, but that she had misunderstood a summons from the court. On February 23, Ebadi refused to appear in court in a case relating to a recording she and another attorney, Mohsen Rahami, made in 2001 of a former Ansare Hizballah member describing the activities of such groups in attacking reformists.

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

In general the government did not discriminate on the basis of race, disability, language, or social status; however, it discriminated on the basis of religion, sex, and ethnicity. The poorest areas of the country are those inhabited by ethnic minorities, such as by the Baluchis in Sistan va Baluchestan Province and by Arabs in the southwest. Much of the damage suffered by Khuzestan Province during the eight-year war with Iraq has not been repaired; consequently, the quality of life of the largely Arab local population was degraded. Kurds, Azeris, and Ahvazi Arabs were not allowed to study their languages.

Women.—The constitution says all citizens both men and women, equally enjoy protection of the law and all human, political, economic, social, and cultural rights, in conformity with Islamic rights. Article 21 states that the government must ensure the rights of the women in all respects, in conformity with Islamic criteria.

Nonetheless, provisions in the Islamic civil and penal codes, in particular those sections dealing with family and property law, discriminate against women. Shortly after the 1979 revolution, the government repealed the 1967 Family Protection Law that provided women with increased rights in the home and workplace and replaced it with a legal system based largely on Shari'a practices. In 1998 the majles passed legislation that mandated segregation of the sexes in the provision of medical care. In 2003 the council of guardians rejected a bill that would require the country to adopt a UN convention ending discrimination against women.

The December UNGA resolution on country's human rights expressed serious concern at "the continuing violence and discrimination against women and girls in law and in practice, despite some minor legislative improvements. . . ." Early in the year, a UNSR on violence against women visited the country and, at her final press

conference, spoke out against legal gender bias; however, at year's end the UNSR report was not released.

During recent years women fought for and received relative liberalization of gender-based treatment in a number of areas. However, many of these changes were not legally codified. The female members of the seventh majles elected in 2004 were more conservative than their predecessors and rejected some previous efforts to achieve equal rights. After the June election of conservative President Ahmadinejad, women expected immediate repression of their societal status. While there was not immediate radical change, there were indications of increased restrictions. For example, in October the government announced that female civil servants in the culture ministry and female journalists at the state newspaper and news agency should leave the office by 6 p.m. to be with their families. However, there was no indication that violators would be punished.

Activists on women's issues expressed concern that the woman selected by President Ahmadinejad to lead the Center for Women's Participation, which is affiliated with the office of the president, does not have a background in women's issues. In addition the government changed the name of the organization to the Center for Women and Family, raising concern that the organization sought to reorient debate on women's problems to focus only on those related to the home.

Although spousal abuse and violence against women occurred, reliable statistics were not available. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude. Rape is illegal and subject to strict penalties, but it remained a widespread problem. According to the government's current report on the rights of the child, the Center for Women's Participation and the United Nations International Children's Emergency Fund (UNICEF) organized the first educational workshop on women and girls' human rights, held January 16 to 19. Freedom from violence was one of the topics. It also stated that in 2004 the Center for Women's Participation established a national committee, based in the health ministry, to combat violence against women.

According to a 2004 report on the country from the Independent Researchers on Women's Issues, there were no reliable statistics for honor killings, but there was evidence of "rampant" honor killings in the western and southwestern provinces, namely Khuzestan and Elam. The punishment for the perpetrators was often a fairly short prison sentence.

There is no evidence that female genital mutilation (FGM) was practiced in the country. However, FGM was recently documented as prevalent in some Iraqi Kurdish communities, which raised the question of whether it was also practiced in the Iranian Kurdish region.

Prostitution is illegal, but *sigheh*, or temporary marriage, is legal. Accurate information regarding the extent of prostitution was not widely available, although the issue received greater attention. Press reports described prostitution as a widespread problem, with estimates of 300 thousand women working as prostitutes. The problem appeared aggravated by difficult economic conditions and rising numbers of drug users and run-away children.

In 2004 human rights groups reported that Leyla Mafi, a mentally handicapped 18-year-old, faced imminent execution for "morality-related" offences arising from her being forced into prostitution by her parents as a child. A court in Arak issued a death sentence in April 2004 despite testing that suggested Mafi had a mental age of eight. In July a domestic Internet news site reported that higher court judges rescinded the death sentence and overturned the decisions of the lower court. Judges also overturned the five-year sentence recommended by the anticorruption and prostitution office and issued by the lower court.

The law requires court approval for the marriage of girls below the age of 13 and boys younger than 15. Although a male can marry at age 15 without parental consent, the 1991 civil law states that a virgin female, even more than 18 years of age, needs the consent of her father or grandfather to wed, or the court's permission. The country's Islamic law permits a man to have up to four wives and an unlimited number of temporary partnerships, called *sigheh*, based on a Shi'a custom in which a woman may become the wife of a Muslim male after a simple religious ceremony and a civil contract with conditions of the union. The temporary marriages may last any length of time and are used sometimes by prostitutes. Such wives are not granted rights associated with traditional marriage.

The penal code includes provisions for stoning persons convicted of adultery, although judges were instructed in 2002 to cease imposing such sentences. During the year there were two reports of women sentenced to stoning for adultery; however, there were no reports these sentences were implemented (see section 1.c.). In addition a man could escape punishment for killing a wife caught in the act of adultery, if he was certain she was a consenting partner; the same rule does not apply for

women. Women may receive disproportionate punishment for crimes, including death sentences (see section 1.a.). Women have the right to divorce if their husband signed a contract granting that right or if the husband cannot provide for his family, is a drug addict, insane, or impotent. However, a husband is not required to cite a reason for divorcing his wife.

A widely used model marriage contract limits privileges accorded to men by custom, and traditional interpretations of Islamic law recognize a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony. In 2002 the law was revised to make adjudication of cases in which women demand divorces less arbitrary and costly. Women who remarry are forced to give the child's father custody of children from earlier marriages. However, the law granted custody of minor children to the mother in certain divorce cases in which the father was proven unfit to care for the child. In 2003 the government amended the existing child custody law to give a mother preference in custody for children up to seven years of age (previously she only had preference for sons up to age two); thereafter, the father had custody. After the age of seven, in disputed cases, custody of the child was to be determined by the court.

The testimony of two women equates with that of one man. The blood money paid to the family of a female crime victim is half the sum paid for a man. A married woman must obtain the written consent of her husband before traveling outside the country (see section 2.d.).

Women had access to primary and advanced education. Reportedly over 60 percent of university students were women; however, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, including the legislature and municipal councils, police and fire fighters. However, their unemployment rate reportedly was significantly higher than for men, representing only 11 percent of the work force. Women reportedly occupied 1.2 percent of higher management positions, and 5.2 percent of managerial positions.

Women cannot serve as president or as judges (women can be consultant and research judges without the power to pass judgment). Eighty-nine women registered to run for president, but all were rejected by the guardian council. On June 2, women's groups protested the decision to reject female candidates, but it was not revised.

Women can own property and businesses in their name, and they can obtain credit at a bank. The law provides maternity, child care, and pension benefits. The number of women's NGOs has increased from approximately 130 to 450 in the past 8 years.

The government enforced gender segregation in most public spaces and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances.

The penal code provides that if a woman appears in public without the appropriate Islamic covering (*hejab*), she can be sentenced to lashings and/or fined. However, absent a clear legal definition of appropriate hejab or the punishment, women were at the mercy of the disciplinary forces and or the judge (see section 1.c.). Since the election of President Ahmadinejad, proposals were introduced into the majles for a uniform "national dress" for women in public. Publication of pictures of uncovered women in the print media, including pictures of foreign women, was also prohibited.

Children.—There was little current information available to assess government efforts to promote the welfare of children. Except in isolated areas of the country, children had free education through the 12th grade (compulsory to age 11) and to some form of health care. Health care generally was regarded as affordable and comprehensive with competent physicians. Courts issued death sentences for crimes committed by minors (see section 1.c.).

The government, in compliance with its obligation as party to the Convention on the Rights of the Child, delivered a presentation to the Committee on the Rights of the Child in January. The government noted overall improvement in the situation of children, particularly in education and health. The education ministry reportedly paid particular attention on elevating the educational status of girls. It also noted the government's efforts to shelter refugees, many of whom were children. According to the report, 195 thousand Afghan and Iraqi refugee children were in school, and UNHCR paid only 10 percent of the education costs.

At the same time, the report acknowledged the need for other legislative protection and better enforcement of existing rules. The UN committee noted positively the provision of free education for all citizens up to secondary school. However, it expressed concern at persisting discrimination against girls and women and recommended that the government review all legislation to ensure it was nondiscriminatory. Among its recommendations, the committee urged the government to en-

sure all children were registered at birth and acquired irrevocable nationality without discrimination.

In July UNICEF held a workshop in Tehran to explore alternatives to imprisoning youths, according to IRIN (see section 1.c.). Only a few cities had a youth prison, and minors were sometimes held with adult violent offenders (see section 1.c.). According to IRIN there were 300 boys and 40 girls at the Tehran youth prison, with the average age of 14, but some were as young as age 6. Children whose parents cannot afford court fees were reportedly imprisoned for petty offenses including shoplifting, wearing make-up, or mixing with the opposite sex.

There was little information available to reflect how the government dealt with child abuse (see sections 6.c. and 6.d.). It was largely regarded as a private, family matter. According to IRIN, child sexual abuse was rarely reported. Nonetheless, according to the government's January report on the rights of the child, the health ministry developed over the past few years an action plan with UNICEF to fight child abuse, including training to health ministry officials on the rights of the child. The government also set up phone lines for children in foster care to report abuse. The July UNICEF conference in Tehran also addressed problems relating to child sexual abuse, including identifying, investigating, and protecting victims.

According to some reports, it is not unusual in rural areas for parents to have their children marry before they become teenagers, often for economic reasons. In 2002 parliament sought marriage age limits without court approval of 15 for girls and 18 for boys, but the guardian council objected, and the age was set at 13 for girls and 15 for boys. In the government's January report to the Committee on the Rights of the Child, it noted that early and forced marriages should be stopped.

There are reportedly significant numbers of children, particularly Afghan but also Iranian, working as street vendors in Tehran and other cities and not attending school. In January government representatives told the UN Committee on the Rights of the Child that there were less than 60 thousand street children in the country. Tehran has reportedly opened several shelters for street children. The government's January report on the rights of the child claimed seven thousand street children had been resettled to date.

Trafficking in Persons.—According to foreign observers, women and girls are trafficked to Pakistan, Turkey, and Europe for sexual exploitation. Boys from Bangladesh, Pakistan, and Afghanistan were trafficked through the country to the Gulf states. Afghan women and girls were trafficked to the country for sexual exploitation and forced marriages. Internal trafficking for sexual exploitation and forced labor also occurs. It was difficult to measure the extent of the government's efforts to curb human trafficking. It appears that the government did not fully comply with the minimum standards for the elimination of trafficking, but it has made significant efforts to do so. In 2004 the government conducted a study on trafficking of women, passed a law against human trafficking, and signed separate Memoranda of Understanding (MOU) with Afghanistan, Turkey, IOM, and the International Labor Organization (ILO). According to Pakistani press reports in December, Iran, Pakistan, Greece, and Turkey formed a joint working group to fight human trafficking. On September 22, domestic media reported that the Tehran police chief stated eight human trafficking networks smuggling mostly Bangladeshis, Afghans, and Pakistanis had been broken up and members arrested. During 2004 border police arrested more than 250 Pakistanis smuggled into the country, some of whom likely were trafficking victims.

Persons with Disabilities.—In May 2004 the majles passed a Comprehensive Law on the Rights of the Disabled; however, it was not known whether there was any implementing regulation. There was no information available regarding whether the government legislated or otherwise mandated accessibility for persons with disabilities, or whether discrimination against persons with disabilities was prohibited; nor was any information available on which government agencies were responsible for protecting the rights of persons with disabilities. The government's January report on the rights of the child outlined health and education programs for children with disabilities.

National/Racial/Ethnic Minorities.—The constitution grants equal rights to all ethnic minorities and allows for minority languages to be used in the media and schools. Few minority groups called for separatism. Instead, they complained of political and economic discrimination. Presidential candidates talked more about problems facing minority groups in this year's presidential elections than in the past. For instance, unsuccessful reformist candidate Mustafa Moin said ethnic groups in the country were not treated properly either in the past or present. He promised, if elected, to have a Sunni affairs department and cabinet members and to help ethnic Arabs. Conservative candidate Ali Larijani said all ethnic groups were impor-

tant, and Mohsen Rezai said there should be no differences between provinces or tribes.

In August the UNSR for Adequate Housing said that ethnic and religious minorities, nomadic groups, and women faced discrimination in housing and land rights, compounded by rising cost of housing. The Ahvaz representative in the previous majles wrote a letter to then President Khatami, complaining that Arab land was being bought at very low prices or even confiscated. He also said Arab political parties were not allowed to compete in elections, and Arabic newspapers and magazines were banned.

The December UNGA resolution on the country's human rights expressed serious concern at continuing discrimination to persons belonging to ethnic and religious minorities, including the recent violent repression of Kurds. There was violence in northwest, southwest, and southeast regions of the country, populated by various ethnic groups. Interior Minister Mustafa Purmohammadi ranked ethnic divisions as one of the biggest problems his ministry had to address. The government blamed foreign entities, including a number of Western countries, for instigating some of the ethnic unrest. Other groups claimed the government staged the bombs in Khuzestan as a pretext for repression.

Twice in June, Kurds clashed with police while celebrating political successes of Iraqi Kurdish leaders. In July and August, demonstrations and strikes in Kurdistan were sparked by the July 9 killing by security forces of a young Kurdish activist, known as Seyyed Kamal Seyyed Qader or Qaderi or Shavaneh, purportedly for encouraging celebrations of Iraqi Kurdish political successes. His brother claimed he was shot, killed, and then dragged throughout the city by a military vehicle. After his death there were protests in several areas, including reported attacks on government buildings.

According to HRW and other sources, security forces killed at least 17 persons; they also wounded and arrested large numbers of other individuals (see section 1.a.). At least seven security officials were reportedly killed in the fighting. Eyewitnesses in Saqqez told HRW that revolutionary guards fired indiscriminately to disperse the crowds, but the interior ministry denied government forces fired on protestors. At the same time, security forces clashed with Pejak, a group linked to the terrorist organization, the Kurdish Workers Party or PKK. On August 11, Pejak abducted four police officers but released them four days later.

HRW also reported security forces closed two newspapers and on August 2 detained Roya Toloui, a minority and women's rights activist; Azad Zamani, a member of the Association for the Defense of Children's Rights; Mohammad Sadeq Kabudvand, journalist and cofounder of Kurdistan Human Rights Organization; Jalal Zavami, editor of *Payam-e Mardom*; and Mahmoud Salehi, the spokesman for the Organizational Committee to Establish Trade Unions (see section 1.e.).

On September 6, Kabudvand announced that Ismail Mohammadi, arrested three years ago for collaborating with the Kurdish independence organization Komala, and Mohammad Panjini, convicted of membership in a Kurdish separatist organization, were executed on September 3. According to Kurdish groups, several other Kurdish political activists have been condemned to death.

The majles' national security and foreign policy committee studied the unrest, and its rapporteur told domestic media that one factor was the comparatively high level of economic development in Iraqi and Turkish Kurdish areas. The representative from Sanandaj, Kurdistan also cited the lack of Sunni cabinet members as a grievance. However, the results of a government inquiry were not made public by year's end.

Foreign representatives of the Ahwazi Arabs of Khuzestan, whose numbers could range from two to four million or higher, claimed their community in the southwest section of the country suffered from persecution and discrimination, including the right to study and speak Arabic. Violence also broke out during the year throughout Khuzestan, a sensitive region, given that most of the country's crude oil reserves are located in local onshore fields.

On April 15, protests in Ahwaz followed the publication of a letter—termed a forgery by the government—allegedly written in 1999 by an advisor to then President Khatami, referring to government policies to reduce the percentage of ethnic Arabs in Khuzestan. According to HRW, after security forces attempted to break up the demonstrations and opened fire, the clashes turned violent and spread to other towns. The government restricted press coverage of the events (see section 2.a.).

Then defense minister, Ali Shamkhani, an ethnic Arab, visited the region and reported 310 arrests and 3 or 4 deaths. However, HRW reported claims of at least 50 deaths and reported that the government charged families large payments for release of the bodies to compensate for damage in the protests. There were also

claims of up to 1,200 arrests on April 16 and 17 as well as torture and mistreatment of detainees.

On April 22, domestic press reported that “hundreds of thousands” participated in a solidarity march, to demonstrate loyalty to the nation. The western-based Ahwaz Human Rights Organization claimed that many were not Arabs and were bussed from other areas. On April 24, officials said 5 persons with primary responsibility for the unrest were arrested and had confessed, and that of the 330 persons arrested, 155 were released. By July 22, authorities said all but one arrested individual had been freed.

On April 30, an explosion along an oil pipeline from Khuzestan to Tehran reportedly did not cause damage or injuries. An Ahwaz Arab group claimed responsibility for the attack and claimed its goal was to end oppression of Ahwaz Arabs.

On June 12, four bombs exploded in Khuzestan, in addition to two in Tehran. The explosions in Khuzestan targeted government facilities or officials. As many as 10 were killed and close to 100 were injured (see section 1.a.). Three Arab groups claimed credit. Six persons were reportedly arrested the next day. In late July there were further riots in Khuzestan, and 30 persons were reportedly arrested. On August 16, government officials announced that they had arrested alleged antigovernment separatists who had confessed to links with foreign intelligence services.

On September 1, 3 bombs blocked transfers of crude oil from wells in Khuzestan, and on October 15, 2 bombs exploded in a market in Ahvaz, killing 5 and wounding 90. Again, the government blamed a western country. On October 30, authorities said 30 persons had been arrested in connecting with the June and October bombings.

The Ahwazi Human Rights Organization wrote a letter to the UN, dated November 7, claiming arbitrary arrests and executions of Ahwazi Arabs, including a lynching by security forces and extrajudicial killings in Karoon prison. The group claimed that on November 4, three thousand Ahwazis staged a peaceful demonstration; however, security forces responded with tear gas grenades, and two Arab youths drowned as a result. The group also claimed the government made mass arrests during a performance of a Ramadan play. Two persons arrested reportedly were sentenced to death.

In August the UNSR for Adequate Housing reported that 200 thousand to 250 thousand Arabs were being displaced from their villages over several years because of large development projects in Khuzestan. They received inadequate land compensation—sometimes one-fortieth of market value. Arabs also suffered from importation of labor from other regions, despite high local unemployment.

Azeris comprised approximately one-quarter of the country’s population and were well integrated into the government and society, including the supreme leader and the head of the IRGC. However, Azeris complained of ethnic and linguistic discrimination, including banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. The government traditionally viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Azeri groups also claimed that there were a number of Azeri political prisoners jailed for advocating cultural and language rights for Iranian Azerbaijanis. The government has charged several of them with “revolting against the Islamic state.”

The chief of the national police said security in southeastern Sistan va Baluchestan Province was more problematic than elsewhere in the country. In July an armed Sunni group claimed to have beheaded a government security agent, presumably in the province. Nine security officers and a Baluchi tribesman were reported killed on August 22 in an exchange of gunfire across the border with Pakistan.

Other Societal Abuses and Discrimination.—In 2004 the judiciary formed the special protection division, a new unit that allowed volunteers to police moral crimes.

The law prohibits and punishes homosexuality; sodomy between consenting adults is a capital crime. The punishment of a non-Muslim homosexual is harsher if the homosexual’s partner is Muslim. In July two teenage boys, one 16 and one 18 years of age, were publicly executed; they were charged with raping a 13-year-old boy. A number of groups outside the country alleged the two were executed for homosexuality; however, because of the lack of transparency in the court system, there was no concrete information (see section 1.c.). In November domestic conservative press reported that two men in their twenties were hanged in public for *lavat* (defined as sexual acts between men). The article also said they had a criminal past, including kidnapping and rape. It was not possible to judge whether these men were executed for homosexuality or other crimes.

According to the Paris-based International Federation of Human Rights, the justice system did not actively investigate charges of homosexuality. There were known meeting places for homosexuals, and there had been no recent reports of homosexuals executed. However, the group acknowledged it was possible that a case against a homosexual could be pursued. Conversely, the London-based homosexual rights group OutRage! claimed over four thousand homosexuals had been executed in the country since the Islamic revolution in 1979. A September 29 Western newspaper gave one man's account of a systematic effort by security agents and basiji to use Internet sites to entrap homosexuals.

According to health ministry statistics, by year's end there were 12,556 registered HIV-positive persons in the country, mostly men, but unofficial estimates were much higher. Transmission was primarily through shared needles by drug users, and a recent study showed shared injection inside prison to be a particular risk factor. There was a free anonymous testing clinic in Tehran, government-sponsored low-cost or free methadone treatment, including in prisons. The government supported programs for AIDS awareness and did not interfere with private HIV-related NGOs. Contraceptives were available at health centers as well in pharmacies. Nevertheless, persons infected with HIV were discriminated against in schools and workplaces.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to establish unions; however, the government did not permit independent unions. A national organization known as Workers' House was the sole authorized national labor organization. It served primarily as a conduit for government control over workers. The leadership of Workers' House coordinated activities with Islamic labor councils, which consisted of representatives of the workers and a representative of management in industrial, agricultural, and service organizations of more than 35 employees. These councils also functioned as instruments of government control and frequently blocked layoffs and dismissals.

The law allows employers and employees to establish guilds. The guilds issued vocational licenses and helped members find jobs. Instances of late or partial pay for government workers reportedly were common.

Workers appointed a committee to lobby for the right to form labor associations. The committee issued a statement signed by 5 thousand workers that it did not recognize agreements signed between the government and the ILO because workers had no independent representation at discussions. Workers criticized official unions for being too close to the government.

b. The Right to Organize and Bargain Collectively.—The country's ILO membership requires respect for the right of freedom of association. However, workers did not have the right to organize independently and negotiate collective bargaining agreements. The International Confederation of Free Trade Unions (ICFTU) noted the labor code was amended in 2003 to permit workers to form and join "trade unions" without prior permission if registration regulations are observed. The labor ministry must register the organization within 30 days.

In 2003 the Supreme Council of Labor, composed of representatives of Islamic labor councils, employers, and the government, exempted workshops of 10 employees or less from labor legislation. According to the ICFTU, this decision affected over 400 thousand of the country's 450 thousand workshops.

The law prohibits public sector strikes, and the government did not tolerate any strike deemed contrary to its economic and labor policies; however, strikes occurred. There are no mechanisms to protect workers rights in the public sector, such as mediation or arbitration.

In January teachers and nurses protested outside the majles over low wages and poor work conditions. The ICFTU reported harassment and arrests of representatives from the teachers' union. In mid-January Tehran teachers and nurses demonstrated to demand better wages and working conditions. In March teachers in six Tehran districts struck and demonstrated outside the majles regarding work conditions.

In a May 10 letter, ICFTU protested a May 9 attack on a meeting at the Bakery Workers' Association related to founding a union at the Tehran Vahed Bus Company. Reportedly 300 members of Hizballah and the Islamic Labor Councils attacked the site, despite the presence of security forces, and a committee member was badly injured. The ICFTU letter also protested the detention of Paris Saharan on April 12, his interrogation, and subsequent disappearance. Saharan was a worker at the Iran Chord automobile construction company, where there were ongoing worker protests.

The ICFTU also protested the detention in August of Borhan Divargar, a member of the Saqqez Bakery Workers' Union, and claimed he had been beaten. Among the charges against him were membership in a committee for establishing labor organizations and managing a labor Internet site. On November 12, he was reportedly sentenced to two years in prison. Mahmoud Salehi, the president of the Saqqez Bakery Workers' Union, was reportedly sentenced on November 9 to five years in prison and three years of exile. Salehi was also charged with contacting an ICFTU delegation that visited the country in April 2004. The government refused requests for international observers to be present at their trial.

In a September 9 letter to President Ahmadinejad, the ICFTU protested the September 7 detention and harassment of members of the Syndicate of Workers of Tehran and Suburbs Bus Company—Vahed. According to ICFTU, the government arrested workers during a protest against unpaid wages, charged them with disturbing public order, but then released them on bail. The ICFTU also protested the dismissal of 17 leaders and members of the syndicate, fired between April and June. Tehran bus drivers went on strike on December 25 to protest wages and arrests of 14 association leaders.

It was not known whether labor legislation and practice in the export processing zones (EPZs) differed from the law and practice in the rest of the country. According to the ICFTU, labor legislation did not apply in the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The law permits the government to require any person not working to take suitable employment; however, this did not appear to be enforced regularly. The law prohibits forced and bonded labor by children; however, this was not enforced adequately, and such labor by children was a serious problem (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and bonded labor by children; however, there appeared to be a serious problem with child labor (see section 5). The law prohibits employment of minors less than 15 years of age and places restrictions on the employment of minors under age 18; however, the government did not adequately enforce laws pertaining to child labor. The law permits children to work in agriculture, domestic service, and some small businesses but prohibits employment of women and minors in hard labor or night work. There was no information regarding enforcement of these regulations.

e. Acceptable Conditions of Work.—The law empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region; however, the council did not adjust the minimum wage during the year despite workers' claims that it was too low, and there was no information regarding mechanisms to set wages. On July 16, as reported by media, tens of thousands of workers across the country held a two-hour stoppage to protest the Supreme Labor Council decision not to raise the minimum wage, set at \$130 (122 thousand tomans) a month. A statement by Iran-Chord workers called for a minimum wage of \$550 (450 thousand tomans) a month to keep up with inflation. It was not known if minimum wages were enforced. The law stipulates the minimum wage should meet the living expenses of a family and should take inflation into account. However, many middle-class citizens must work at two or three jobs to support their families.

The law establishes a maximum 6-day, 48-hour workweek, with a weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the law, a safety council, chaired by the labor minister or his representative, should protect workplace safety and health. Labor organizations outside the country have alleged hazardous work environments were common in the country and resulted in thousands of worker deaths annually. The quality of safety regulation enforcement was unknown, and it was unknown whether workers could remove themselves from hazardous situations without risking the loss of employment.

There was anecdotal evidence suggesting some government employees and students voted in the presidential election to obtain the stamp proving they had voted. Without this stamp, they feared they would have employment or enrollment problems.

IRAQ¹

Iraq, with a population of approximately 25 million, is a republic with a freely elected government. During the year unsettled conditions prevented effective governance in parts of the country, and the government's human rights performance was handicapped by insurgency and terrorism that impacted every aspect of life. In such an environment and supported by elements of the population, three groups with overlapping but largely different memberships violently opposed the government: Al-Qa'ida terrorists, irreconcilable remnants of the Ba'thist regime, and local Sunni insurgents waging guerrilla warfare. The ongoing insurgency, coupled with sectarian and criminal violence, seriously affected the government's human rights performance; elements of the security forces, particularly sectarian militias, frequently acted independently of governmental authority.

After the overthrow of the Ba'thist regime, and during the interim administration of the Coalition Provisional Authority (CPA), the Iraqi Governing Council adopted the Law for the Administration of the State of Iraq for the Transitional Period—the Transitional Administrative Law (TAL)—in March 2004. The TAL provided a legal structure for the country and set forth a transitional period to end upon the formation of a democratically chosen constitutional government. Accordingly, during the year the TAL was the operative law in the country.

The TAL established a republican, federal, democratic, and pluralistic system with powers shared among the federal and regional governments, including 18 governorates (provinces), as well as municipalities and local administrations. In March 2004 the TAL recognized the Kurdistan Regional Government (KRG) as the official government of those territories that the Kurdish Regional Government administered as of March 19, 2003 in the governorates of Dohuk, Irbil, Sulaymaniyah, Kirkuk, Diyala, and Ninewah.

The Iraqi Interim Government was vested with full governmental authority on June 28, 2004, and prepared elections for the Transitional National Assembly (TNA). These elections for the country's legislative authority and the first step in the formation of the Iraqi Transitional Government (ITG) took place on January 30. As a result of the elections, Prime Minister Ibrahim al-Ja'afari headed the transitional government, a coalition of Shi'a-dominated and Kurdish parties, which assumed power on April 28. In two subsequent polls, voters adopted a permanent constitution during an October 15 referendum and, in a first step toward establishing a permanent government, elected members of the country's new legislature, the Council of Representatives, on December 15. The elections and the referendum were generally regarded as transparent and as meeting international standards for credible, democratic elections, although marred by difficulties related to the ongoing conflict and lack of experience with free elections.

Throughout the year the prime minister renewed the "state of emergency" originally declared in November 2004 throughout the country, excluding Kurdistan. The state of emergency was based on the dangers posed by the ongoing campaign of violence aimed at preventing the establishment of a broad-based government and the peaceful participation of all citizens in the political process. The state of emergency allows for the temporary imposition of restrictions on certain civil liberties. Where there is specific evidence or credible suspicion of the crimes outlined by the law, the prime minister may impose curfews and certain restrictions on public gatherings, associations, unions and other entities; put a preventive freeze on assets; impose monitoring of and seizure of means of communication; and allow for the search of property and detention of suspects. Notwithstanding such powers, the law prohibits the prime minister from abrogating the TAL in whole or in part and provides for judicial review of all decisions and procedures implemented pursuant to this law. The government exercised these powers throughout the year.

The following human rights problems were reported:

- pervasive climate of violence
- misappropriation of official authority by sectarian, criminal, terrorist, and insurgent groups
- arbitrary deprivation of life
- disappearances
- torture and other cruel, inhuman, or degrading treatment or punishment
- impunity

¹The 2005 report covers the human rights record of the Interim and Transitional Governments.

- poor conditions in pretrial detention facilities
- arbitrary arrest and detention
- denial of fair public trial
- an immature judicial system lacking capacity
- limitations on freedoms of speech, press, assembly, and association due to terrorist and militia violence
- restrictions on religious freedom
- large numbers of internally displaced persons (IDPs)
- lack of transparency and widespread corruption at all levels of government
- constraints on nongovernmental organizations (NGOs)
- discrimination against women, ethnic, and religious minorities
- limited exercise of labor rights

The law provided a structure for advances, and despite the violence the government set and adhered to a legal and electoral course based on respect for political rights. This agenda included most importantly the right of citizens to change peacefully their government through nationwide, free, and fair elections. The elevation of the state minister position on women's affairs to a full Ministry of Women's Affairs and the steady growth of NGOs and other associations reflected notable government and civic interest in human rights issues, especially those that were separable from internal security concerns.

Civic life and the social fabric remained under intense strain from the widespread violence, principally inflicted by insurgency and terrorist attacks. Additionally, the misappropriation of official authority by groups—paramilitary, sectarian, criminal, terrorist, and insurgent—resulted in numerous and severe crimes and abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—A climate of extreme violence in which people were killed for political and other reasons continued. Reports increased of killings by the government or its agents that may have been politically motivated. Additionally, common criminals, insurgents, and terrorists undermined public confidence in the security apparatus by sometimes masking their identity in police and army uniforms (see section 1.g.).

Members of sectarian militias dominated police units to varying degrees and in different parts of the country. Two Shi'a groups, the Badr Organization (*Al-Badr Mujahideen*, formerly the Badr Corps), and the Army of the Mahdi (*Jaiish al-Mahdi*), were active within the Ministry of the Interior's (MOI) security forces, principally the police. The politically powerful Supreme Council of the Islamic Revolution in Iraq (SCIRI) created the Badr Corps as its armed wing in the 1980s in Iran, while the cleric Muqtada al-Sadr created the Mahdi Army in Baghdad's Shi'a poor areas after the fall of the former regime. Kurdish authorities retained regional control over police forces and internal security, which effectively empowered the two militias of Kurdish political parties to continue to provide police and security forces in Kurdistan. Police officers, who also were militia members, abused their official powers to pursue personal and party agendas (see section 1.d.). Many of the extra-legal killings appeared based on sectarian animus, although some were reportedly for profit.

During the year there were a number of deaths either at police hands or at the hands of militia members and criminals wearing police uniforms. For example, on May 5, the bodies of 16 Sunni farmers from Mada'in, detained by men wearing police uniforms, were found in a mass grave near Sadr City, an impoverished Shi'a neighborhood of Baghdad. They had been fatally shot in the head, and the corpses showed signs of torture. MOI officials promised an investigation into the killings, but no results were available at year's end.

On May 15, eyewitnesses said armed men in police uniforms took Sunni Council of Scholars (*Ulema*) member Sheikh Hassan al-Naimi from his Baghdad home. Several days later his body was found with a gunshot wound to the head and signs of torture with an electric drill. The MOI promised to conduct an investigation, but no results had been released by year's end.

On July 12, nine Sunni men suffocated after police locked them for several hours in a vehicle with no air-conditioning. Officials denied intentional wrongdoing, claiming lack of training in operation of the vehicle. No one was punished for this incident.

On August 24, during the early morning hours, men in commando uniforms driving police vehicles took 36 Sunnis from their homes in Baghdad's Al-Huriya neighborhood. The bodies of the men were found the following day near the Iranian border. MOI officials promised an investigation of the incident, but no results had been released at year's end.

There was no new information regarding the MOI investigation into the case of officers in the Basrah Police Internal Affairs Unit who were involved in the December 2004 killings of 10 members of the Ba'th Party and the killings of a mother and daughter accused of engaging in prostitution. Similarly, there was no new information regarding the October 2004 arrest, interrogation, and killing of 12 kidnappers of 3 police officers.

Insurgents and terrorists killed thousands of citizens (see section 1.g.). Using intimidation and violence, they kidnapped and killed government officials and workers, common citizens, party activists participating in the electoral process, civil society activists, members of security forces, and members of the armed forces, as well as foreigners.

Insurgent and terrorist groups also bombed government facilities, mosques, public gathering spots, and businesses resulting in massive losses of life and grave injuries. There were no indications of government involvement in these acts.

Until its fall in 2003, the former regime murdered, tortured, and caused the disappearance of many thousands of persons suspected of or related to persons suspected of opposition politics, economic crimes, military desertion, and a variety of other activities. The 2003 and 2004 discovery of mass graves (defined as unmarked sites containing at least six bodies) provided evidence of the vast dimension of these practices. During the year the location of nine additional mass graves was confirmed, including in Karbala, Nasariyah, and a mass graves complex south of Samawah. The total number of confirmed sites at year's end was 286, and investigators continued to review evidence on additional mass graves.

On March 16, police and medical teams found a mass grave that contained 81 bodies believed to be the remains of Kurds. On April 16, the acting human rights minister announced that 41 bodies had been found in a mass grave in Amarah. The remains were believed to be those of Kuwaitis killed during the first Gulf War, but the Prisoner of War Committee of the Ministry of Human Rights (MOHR) had not confirmed this attribution during the year. Officials had identified through DNA analysis the remains of 322 Kuwaiti citizens in mass graves by year's end.

On December 27, city employees doing maintenance work on an underground sewer in the holy city of Karbala uncovered remains of eight bodies that were part of a mass grave from the early 1990s, when the Ba'thist regime crushed a Shi'a uprising in the South.

Grid coordinates were obtained on at least 10 mass graves in Al-Hatra in Ninewah Province in 2004. Two gravesites were excavated; one site contained the remains of women and children, and the other contained remains of men. Approximately 275 bodies—thought to be Kurds who were killed by the former regime—were found in each site. Search for additional sites in the area was ongoing during the year.

Gravesites were discovered in all regions and contained remains of members of every major religious and ethnic group in the country, as well as of foreigners. Graves contained forensic evidence of atrocities, including signs of torture, decapitated or mutilated corpses, and evidence that some victims were shot in the head at close range.

During the year the MOHR helped relatives learn the fate of their family members under the former regime, including those found in mass graves. The National Center for Missing and Disappeared Persons continued to function, despite a lack of enabling legislation or official status.

b. Disappearance.—Criminal and politically motivated disappearances and kidnappings, including those related to the ongoing insurgency, remained a severe problem (see section 1.g.). During the year hundreds, if not thousands, of individuals disappeared without a trace, sometimes at the hands of the police. There were many allegations of police involvement in kidnappings, some of which were supported by evidence. However, since criminals, insurgents, and paramilitaries often wore police uniforms, data on actual police abuses was uncertain.

For example, on September 9, a Sunni businessman was kidnapped from his Baghdad home. Witnesses to the abduction said men in commando uniforms driving police vehicles took him to an undisclosed location. After more than a month of negotiations, the family paid a ransom, and the kidnappers freed the victim, who had been tortured by his captors.

Groups affiliated with Kurdish political parties cooperated with Iraqi security forces to detain Sunni Arabs, Turcomen, and others and hold them in undisclosed

locations in the North (see section 1.d.). Allegedly due to lack of jail space in Kirkuk Province, security forces moved prisoners north to the KRG area without public acknowledgment of the arrests or place of detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The TAL expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. However, security forces employed such practices. Insurgents and terrorists frequently committed torture and other abuses (see section 1.g.).

The vast majority of human rights abuses reportedly carried out by government agents were attributed to the police. Militias, including members of the Badr Organization and the Mahdi Army, penetrated some police units. The minister of interior was an official in SCIRI, the sponsor of the Badr Organization; the governor of Baghdad was a SCIRI member and a leader in the Badr Organization, as were five other provincial governors selected by their respective Governorate Councils under CPA Order 71. On June 7, President Jalal Talabani praised the Kurdish and Badr militias, calling them necessary to sweep away the remnants of the dictatorship and defeat terrorism. Police officers, some of whom were members of militias, abused official powers and resources, including police vehicles, to pursue personal, criminal, and party agendas (see section 1.g.). Criminals impersonating police officers also carried out illegal acts including kidnapping (see sections 1.a, 1.c., and 1.g.).

According to a January Human Rights Watch (HRW) report, police torture and ill treatment of detainees was commonplace. In interviews with 90 prisoners, 72 asserted that they had been tortured or mistreated. The reported abuses included beatings with cables and hosepipes, electric shocks to earlobes and genitals, food and water deprivation, and overcrowding in standing-room-only cells.

On February 6, Baktiar Amin, the former minister of human rights, noted to then prime minister Allawi that detention centers under the MOI's control were a "theater of violations of human rights." In addition to poor living conditions and arrests and detentions carried out without judicial orders, the minister stated that the MOI systematically tortured and abused detainees. Specific violations were attributed to personnel of the Major Crimes Unit, the Intelligence Directorate, and local police.

On November 13, an overcrowded MOI detention center in Baghdad was discovered. This facility, the Jadiriya Bunker, held 169 detainees, mostly Sunnis, many of whom showed signs of torture and abuse. A number of the detainees were severely malnourished and said that police had only given them bread to eat for several months. The facility was shut down, and the detainees were subsequently transferred to a Ministry of Justice (MOJ) prison.

In a November 17 press conference, Minister of Interior Baqr Jabr stated that the reports of torture had been exaggerated; however, independent medical examinations of the prisoners revealed that more than 100 showed signs of abuse, although the abuse may have occurred elsewhere than at the bunker. Prime Minister al-Ja'afari responded to the revelations of the bunker case by establishing an Inter-agency Inspection Team (IIT) and announcing a "Six Point Plan" that called for inspections of all detention and prison facilities, investigations of all human rights abuses uncovered, and accountability for those perpetrating abuses.

In December the IIT conducted three unannounced inspections. On December 8, officials investigated a second MOI facility, the Iraqi Police Commando Division Central Facility for Baghdad. This police station building held 625 detainees in conditions so crowded that detainees were unable to lie down at the same time. According to press reports, a government official with first-hand knowledge said that at least 12 prisoners had been subjected to severe torture with electric shock, had fingernails torn out, and suffered broken bones from beatings. Due to the severe abuse, 13 of the detainees were referred for medical care. Sixty prisoners were recommended for immediate release, and 75 were moved to an MOJ detention facility. While no confirmation was available at year's end, detainees claimed that six of their group had died in custody.

Inspections pursuant to Prime Minister al-Ja'afari's plan were also conducted on December 20, at the Ministry of Defense National Intelligence Service central detention facility in Baghdad, and on December 28, at a joint MOI/Ministry of Defense (MOD) facility near Tal Afar.

The IIT assessment of all three sites indicated inadequate living conditions, health services and legal access. At one of the sites IIT found evidence of recent physical abuse and torture. IIT submitted three separate reports with recommendations to the prime minister's office.

In conjunction with the Six Point Plan, all ministries of the national government operating detention facilities were required to submit lists of all facilities. There were reportedly approximately 450 official detention centers; some were operated by the MOI, and some by the MOD. Additionally, there were reports of many unofficial

detention centers throughout the country. The compilation, inspections of MOJ and MOD facilities, and further investigations into the MOI incidents were ongoing at year's end. No information was available on KRG facilities.

Police abuses included threats, intimidation, beatings, and suspension by the arms or legs, as well as the reported use of electric drills and cords, and the application of electric shocks. Reportedly, police threatened or, in fact, sexually abused detainees.

For example, a woman detained in the Diwanayah police station claimed in early May that police had administered electric shocks to the soles of her feet and threatened to abuse sexually her teenage daughters if she did not provide the information they demanded.

On October 14, Najaf security forces arrested an associate of the former provincial governor and allegedly tortured him in an effort to obtain a confession. The arrested individual reportedly appeared at his court hearing the following day, unable to walk. MOI officials agreed to open an investigation of the case, but no information has been made available. The individual remained in custody at year's end.

According to the MOJ's Iraqi Corrections Service (ICS) officials, prisoners routinely exhibited signs of mistreatment upon transfer from police custody to the prisons. ICS investigated or referred to MOI 14 cases of police abuse during the year, some of which involved torture. For example, officials at Baghdad's Rusafa intake facility reported on February 8 that medical staff treated an inmate for injuries following his transfer from police custody. The inmate said he had been interrogated by police at the Kadamiya police station following arrest on a murder charge. The inmate stated that police severely beat him during the interrogation and told him that he would be killed if he spoke of the abuse. On June 27, a medical examination of a new prisoner at Baghdad's Rusafa intake facility revealed a leg broken in two places. The man told officials that police had broken his leg while he was in their custody.

On October 20, administrators of Baghdad's Kadamiya women's prison confirmed the rape of one inmate had occurred while the individual was in police custody. No further information regarding this case was available at year's end.

Iraqi army abuses also were reported during the year. Information was very sparse, but reported MOD-inflicted beatings and similar abuses of detainees were generally fewer and less severe than the MOI detention center cases. There was no indication that MOD officials took disciplinary action in any cases alleging abuses.

Some detainees in military custody alleged abuse that included hanging inmates upside down until they lost consciousness, beating with wooden and plastic sticks, weapons, and electric cords, and the use of electric shocks and stun guns.

Two men reported that military personnel detained and beat them on May 6 and 11, respectively, in Iskandariyah. On July 7, the Army detained a man in Tikrit, who reported he was blindfolded and his hands and ankles bound before he was hung by a rope from the ceiling. He was beaten with a cable for approximately 10 minutes before being doused with cold water. On July 23, the Army detained another man near Tal Afar, reportedly beating him with an iron pipe for 30 minutes during the interrogation.

Also in July, army officers in Tikrit reportedly blindfolded, handcuffed, and beat a detainee on his head and back with a rifle butt. He was then suspended from the ceiling with bound ankles and struck repeatedly across the legs with a cable. A medical examination confirmed abrasions, swelling, and bruising consistent with the detainee's claims.

In August army officials reportedly detained a man in the Saqlawiyah area, beating him before suspending him from a ceiling fan by his bound ankles.

Kurdish security forces committed abuses against non-Kurdish minorities in the North, including Christians, Shabak, Turcomen, and Arabs. Abuse ranged from threats and intimidation to detention in undisclosed locations without due process (see section 1.d.). Verification or assessment of credibility of claimed torture and abuses by KRG officials was extremely difficult. The press reported that police tortured a Turcoman vegetable seller after he was arrested on March 17 and taken to the Megdad KRG police station.

Insurgents and terrorists, predominantly but not exclusively Sunni, regularly employed multiple forms of torture and inhuman treatment against their victims (see section 1.g.). Beatings, throwing acid on women, execution-style killings, dismemberment, and beheadings were routinely perpetrated against citizens and foreigners.

Prison and Detention Center Conditions.—In the government's official civilian penal system, the ICS prisons, conditions significantly improved during the year. Most ICS facilities met most international penal standards, although none met all. However, other detention systems existed about which little was known.

Standards in the KRG facilities were similar to ICS standards. However, according to press reports quoting political leaders and families of detainees, Kurdish political parties employed a network of at least five detention facilities outside the official KRG prison system to incarcerate hundreds of Sunni Arabs, Turcomen, and other minorities abducted and secretly transferred from Mosul and from territories stretching to the Iranian border.

The MOD operated 17 holding areas or detention facilities in Baghdad and at least another 13 nationwide for detainees captured during military raids and operations. Efforts were underway at year's end to integrate detainees in these MOD facilities into the criminal justice system.

Throughout the year ICS officials implemented procedures for the screening of all persons taken into ICS custody from the police, courts, or any other entity as soon as reasonably possible for injuries or signs of abuse. Medical staff examined and documented the results in the person's medical record.

During the year 13 cases of abuse by ICS personnel were reported and investigated. Two of the cases were closed as unfounded, six individuals received administrative punishment, and five cases were pending at year's end.

Overcrowding continued to be a problem. The continuing investigation into overcrowded detention facilities was underway at year's end. Overall detainee numbers increased due to mass arrests carried out during security and military operations. ICS and KRG facilities held approximately 9,900 inmates, including 335 women, with an overall total of approximately 9,700 beds. ICS operated 11 prisons and pretrial detention facilities, and Kurdish authorities operated 7. Renovation and construction on an additional 3 facilities, totaling 4,200 beds, continued at year's end.

It could not be determined whether inmates died during the year due to poor conditions of confinement or lack of medical care. Medical care was poor, reflecting community standards.

The law provides that women and juveniles must be held separately from men; however, reportedly women were held in the same facilities as men in some instances, and juveniles were held with adults. Additionally, pretrial detainees and convicted prisoners were sometimes held in the same facility.

The government generally permitted visits to prisons by independent human rights observers and NGOs; however, some NGOs reported difficulties in gaining access to detention facilities, and presumably there were no visits to undisclosed detention centers.

d. Arbitrary Arrest or Detention.—The TAL provides protection against arbitrary arrest and detention except in extreme exigent circumstances. No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs. In practice, the authorities in many cases did not observe these provisions.

Role of the Police and Security Apparatus.—During the year the MOI exercised its responsibilities throughout the country except for the KRG area. Such responsibilities include providing internal security through police and domestic intelligence capabilities, and regulating all domestic and foreign private security companies. It also has responsibility for emergency response, border enforcement, dignitary protection, firefighting, and facilities protection. The TAL and CPA Order 91 permit KRG to retain control over police forces and internal security. Other CPA memos signed in 2004 recognized a local defense force (*pesh merga*) as legitimate within KRG recognized provincial boundaries.

The MOI commands a number of uniformed forces, including the Iraqi Police Service and the Special Police Forces, numbering more than 20 thousand who received little police training. MOI police effectiveness was seriously compromised by sectarian influences of militias that infiltrated the MOI, corruption, a culture of impunity, lack of training and, in some instances, by intimidation within security force. In the aftermath of the fall of the former regime, a police presence temporarily vanished, except in the Kurdish areas. After April 2003, a large recruitment and training program was established, including hiring former police officers. Reconstituted police units in some cities, particularly Mosul and Fallujah, sometimes disintegrated or fled when faced with large-scale insurgent attacks.

More than a dozen militias have been documented in the country. Militia members integrated into the Iraqi Security Forces (ISF) typically remained within pre-existing organizational structures and retained their original loyalties or affiliations. Of these integrated militias only the Badr Organization and the *pesh merga* of the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) remained significant, cohesive entities at the end of the year, although they were nominally integrated. *Pesh merga* units were embedded in the MOD but were rarely used outside the KRG. Six sponsor organizations either disbanded their militias or

assigned them to personal security duties for political leadership. The Mahdi Army remained a separate and freestanding militia.

Efforts to increase the capacity and effectiveness of the police were ongoing. In the human rights area, 17 percent of the 135 thousand-member police force received an average of 22 hours of human rights instruction during the year, bringing the total of police trained to 64 percent of the police force by year's end. Also, all ICS personnel were required to undergo training at a five-week basic corrections academy. This training, including instruction on basic human rights, was mandatory for the 5,800 ICS correctional officers. As of year's end, approximately 58 percent had received such training.

Human rights offices responsible for investigating allegations of police abuse were established in all governorates; however, there was insufficient information to determine their effectiveness.

Corruption was widely perceived to be a severe problem within the police. There were many allegations of police abuse involving unlawful arrests, beatings, and theft from the homes of detainees. MOI's inspector general (IG) investigated reports of corruption, tried to educate MOI personnel about the danger of corruption and to develop a culture of transparency, and worked on human rights issues in any venue that affected MOI. The IG reported that it investigated 650 cases of police corruption and more than 40 allegations of human rights abuses during the year. Results were not publicized by year's end.

Within the MOI, the Internal Affairs Department is the designated mechanism for investigating internal police abuses. It brought forward several cases of corruption and abuse. The Minister fired all the accused, many of whom have been remanded for trial. At year's end no trials had taken place.

In the IG's office, a hot line existed for citizens to report cases of corruption and abuse, in addition to mentoring and training programs that focused on accountability. A code of police conduct also exists.

Arrest and Detention.—Under the emergency law, the prime minister has a wide array of powers, including the authority to detain and search suspects. The law provides that all such actions must be pursuant to an arrest or search warrant unless there are "extreme exigent circumstances," and detained suspects must appear before a judge within 24 hours of arrest. If the investigative judge finds a basis on which to press charges, the prisoner remains confined and is transported to an ICS detention facility to await trial (see sections 1.a. and 1.c.).

Pursuant to the 1971 Criminal Procedure Code, the judge who issues an arrest warrant sets the bond conditions. If no conditions of release are specified, the accused is kept in custody. Under the most common bond condition, an accused is released into the custody of a responsible individual (such as a family member or tribal leader), who will vouch for the individual's appearance at a future court hearing.

Judges are authorized to appoint paid counsel for the indigent, and did so, according to observers of proceedings in the Central Criminal Court in Baghdad. Attorneys were provided with private rooms during official visits to confer with their clients.

Criminal detainees generally were informed of the charges against them, although sometimes with delay. Criminal detainees were generally retained in custody pending the outcome of a criminal investigation. Authorities stated that police generally arrested individuals in accordance with a duly issued warrant; however, police frequently arrested and held in detention without the necessary judicial approval individuals who had not been accused of any crime. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous people were arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention.

According to the government, ICS generally imprisoned civilians under the rule of law, accompanied by a valid confinement order from a judge. Although some MOI detainees were processed judicially, some were detained without having been brought into the judicial system. In practice ministries acting outside the scope of their legal authority detained numerous individuals and enabled many other serious abuses. For example, some of those held in MOI facilities uncovered on November 13 and December 8 lacked any judicial paperwork.

Lengthy pretrial detentions continued to be a significant problem. These resulted from backlogs in the judiciary, slow processing of criminal investigations and, most seriously, undocumented detentions. Many prisoners, some undocumented, were held incommunicado for extended periods (see section 1.c.). Reportedly, police continued to use coerced confessions and abuse as methods of investigation. Hundreds of cases alleging police abuse and torture were pending throughout the country at year's end.

Information was not available on MOD or KRG practices.

On March 29, according to the press, the Higher Judicial Council accused the MOI of violating the state of emergency law on warrantless arrest and detention by relying on an internal MOI directive authorizing the practice in nonexigent circumstances (see section 1.e.).

Police or criminal impersonators in police uniforms sometimes made false arrests to extort money. Some police officers did not present defendants to magistrates but held them in detention cells until their families paid bribes for their release. In the Central Criminal Court of Iraq (CCCI) in Baghdad, the time between arrest and arraignment often exceeded 30 days, despite the 24-hour requirement.

Kurdish security forces abuse ranged from threats and intimidation to detention in undisclosed locations without due process (see section 1.c.). Police detained and took more than 130 individuals from Kirkuk to KRG territory during the year.

There were no publicized cases of criminal proceedings brought against members of the police in connection with alleged violations of human rights. MOI authorities claimed that there were several arrests of police and both criminal and administrative punishments in cases where allegations of torture were substantiated; no specific cases were identified by year's end.

e. Denial of Fair Public Trial.—The TAL provides for an independent judiciary. While there was not sufficient experience to determine, in practice, its independence, the judiciary was vulnerable to intimidation and violence and to the exercise of political influence.

Trial Procedures.—According to the TAL, all persons are equal before the courts and no individual may be deprived of life or liberty except in accordance with legal procedures

The TAL provides for the right to a fair trial, and the judiciary generally sought to enforce this right. An accused is innocent until proven guilty pursuant to the law and has the right to engage independent and competent counsel, remain silent in response to questions, and summon and examine witnesses or ask that a judge do so.

The criminal justice system is based on a civil system similar to that of France (Code Napoleon). It was modified under the Ottoman Turks and greatly influenced by the Egyptian system. The system is inquisitorial; the judiciary controls and investigates cases. Tribal leaders applied Shari'a (Islamic law) in settling disputes.

The courts are geographically organized into 17 appellate districts. There are two types of criminal courts—misdemeanor and felony. Cases are presented to the court in the district where the crime took place. An investigative judge controls the investigation and recommends charges if sufficient evidence has been discovered. Trial and sentencing are generally very short processes. Witnesses who are not present have their statements read into the record.

There is no jury in the criminal justice system, and a three-judge panel decides on the guilt or innocence of a defendant. Defendants who are found guilty are sentenced immediately after the verdict. Prosecutors and defense counsel may question witnesses during the proceeding. In practice they often asked few, if any, questions after the judge had completed his questioning. The prosecutors and defense counsel routinely made initial and final statements to the court. Decisions can be appealed to an appellate court and then to the Court of Cassation, which is the court of last resort in most matters concerning federal law.

On February 24, the government, pursuant to the TAL and its Annex, enacted the Supreme Federal Court Law to establish the Supreme Court. The Presidency Council approved the Supreme Court's members; however, no cases were heard by year's end. While the Court of Cassation is the court of last resort for most matters concerning the enforcement of federal law, the Supreme Court has original and exclusive jurisdiction in conflicts between federal and other authorities and in claims that a law is inconsistent with the TAL. An appellate jurisdiction for the Federal Supreme Court remained to be defined.

The Higher Juridical Council (HJC), headed by the Chief Judge of the Supreme Court, is responsible for all administrative matters relating to the courts. The chief appellate judge of each district, along with several judges from the Court of Cassation, comprises the HJC.

In the event of judicial misconduct, the HJC convenes a disciplinary hearing to determine the merits of the allegations. Unlike in 2004, there were no reported cases of judicial misconduct during the year. In 2004 the HJC convened a disciplinary hearing concerning the allegation that a Baghdad judge dismissed criminal cases due to external influence. After a six-month investigation, the judge was removed from office due to concerns about his integrity. There was no evidence of outside influence on the HJC.

In late March the HJC reportedly challenged the MOI's practices in cases of arbitrary detention, without consequent change in MOI operations (see section 1.d.).

On a number of occasions, the HJC challenged the failure of the MOI to produce prisoners in court before an investigative judge for timely review of the basis for arrest and continued detention. These problems did not exist for detainees held in regular police stations. However, because the Special Police tended to detain large numbers of individuals without bringing them before a judge, the HJC arranged to have an investigative judge periodically go to the detention facility of some Special Police units and review the status of detainees there. The HJC also arranged similar visits to review cases at some other centralized MOI detention facilities. The results of this HJC-directed effort were mixed. Sometimes Special Police units did not cooperate; at times the prisoners simply were not presented to the judge. In two cases, investigative judges were allegedly involved in or ignored misconduct by MOI units. To address misconduct by MOI units, the HJC had only the authority to bring criminal charges; otherwise, discipline was an internal MOI matter. During the year the HJC did not bring criminal charges in these matters.

In 2003 the Governing Council created the Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, to try persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses under Iraqi law from July 17, 1968, through May 1, 2003. The Dujayl trial, the first in what was expected to be a series of trials of Saddam Hussein and other defendants began on October 19. The trial was based on an incident in 1982 when army deserters shot at Saddam Hussein's convoy as it passed through the Shi'a farming town of Al-Dujayl. The charges alleged that Saddam, in retaliation, ordered the Intelligence Service to arrest more than 550 Dujayl men, women, and children who were subsequently imprisoned, tortured, and had their farmlands destroyed. Saddam allegedly ordered 148 men and teenage boys, after 5 years of continuous persecution, executed by hanging. At year's end the trial was ongoing.

Violence and intimidation harmed members of the judiciary, including defense lawyers. Unknown assailants shot and killed secretary to the HJC Qais al-Shamari and his son in an ambush on January 25. The Army of the Protectors of the Faith (*Ansar AlSunna*) claimed responsibility for the murders. On March 2, gunmen killed IHT judge Barawiz Mahmud and his son as they left their Baghdad home. In early September, three judges riding in one vehicle in Salah Ad Din were stopped and taken to a secret location for a mock trial. They were told to resign their judgeships, and did so.

Armed gunmen abducted Sa'adoun Sughaiyer al-Janabi, a defense counsel in the Dujayl trial from his Baghdad office on October 19. On October 20, al-Janabi was found dead, shot execution-style. No further information was available regarding this case at year's end. On November 8, armed assailants shot and killed Adil al-Zubeidi, wounding Thamer al-Khuzahie in the attack; both were lawyers for co-defendants in Saddam's trial.

The law provides that civilian judges be designated to sit as a separate military court for members of the military. Although 20 judges were so designated, no military trials occurred during the year.

Political Prisoners.—There were no reports that the national government held political prisoners.

On October 27, members of *Parastin*, the security intelligence service of the KDP, in Irbil arrested and detained incommunicado international political activist, Kamal Said Kadir, an Iraqi Kurd with Austrian citizenship. According to several international NGOs, he was believed to be held for having written articles on the Internet critical of the KDP authorities, including its leader and KRG President Mas'ud Barzani. Kurdish officials said the arrest was based on a number of lawsuits by civilians. According to the NGO International PEN, the KDP International Relations Bureau in London confirmed that he was being investigated for "slander, personal harassment and threats" in connection with the publication of articles the Kurdish authorities considered to be provocative and defamatory of "certain prominent elected official politicians." The KRG denied any political motivation. On December 19, Said Kadir was sentenced to 30 years' imprisonment.

Property Restitution.—The Iraq Property Claims Commission (IPCC) was established in 2004 by CPA Regulation 12 as an independent governmental commission designed to resolve claims for real property that was confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between July 17, 1968, and April 9, 2003, for reasons other than land reform or lawfully applied eminent domain, and between March 18, 2003, and June 30, 2005 by persons whose property was taken for ethnic or religious reasons or by individuals whose property had previously been confiscated by the former regime. The statute establishing the

IPCC was amended in July to extend the time limit for the filing of claims until June 30, 2007, which was expected to benefit primarily out-of-country claimants who had not yet heard about the claims process.

There were approximately 1,200 IPCC employees in offices located in all 18 governorates and led by Ahmed al-Barrak, a former member of the Iraqi Governing Council, who replaced Suhail al-Hashimi in July as the head of the national secretariat.

At year-end, the IPCC had received nearly 130 thousand claims nationwide. Of those claims, its regional commissions have adjudicated only approximately 14 percent nationwide, with geographic variations.

There was no information that claimants had yet received compensation through the IPCC. The government budget for 2006 included \$200 million (300 trillion dinars) to fund compensation awards in IPCC cases. However, by the end of the year the government had not established a mechanism to transfer funds to successful claimants. After adjudication, the IPCC's only role in enforcement is to send an official letter to the real estate registry office ordering transfer of title in appropriate cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The TAL prohibits such actions, and the government attempted to respect these prohibitions in practice, although in numerous instances, the security forces did not. The law provides for the right to privacy; police, investigators, or other governmental authorities may not violate the sanctity of private residences without a search warrant issued in accordance with the applicable law unless “extreme exigent circumstances” exist. Under the emergency law, the prime minister may authorize authorities to detain and search suspects, and their homes and work places. The law provides that all such actions must be pursuant to an arrest or search warrant unless there are extreme exigent circumstances, and detained suspects must appear before a judge within 24 hours of arrest. The police were instructed to comply with legal warrant requirements but reportedly often did not.

Party membership was necessary to obtain some employment and educational opportunities, particularly in the Kurdish North where the dominant parties were the KDP and PUK (see section 3).

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year unsettled conditions prevented effective governance in areas of the country, and insurgent and terrorist attacks hampered the government's human rights performance.

Elements of the Iraqi Armed Forces under the tactical control of the Multi-National Coalition Force (MNF-I) operated in the country in major military actions against insurgents and terrorists under unified command pursuant to UN Security Council Resolutions 1511, 1546, and 1637. MOI forces also coordinated with MNF-I to ensure a synchronized approach to security within the country.

Government military and police forces under government control killed armed fighters or persons planning or carrying out violence against civilian or military targets; according to personal accounts and numerous press reports, these forces caused inadvertent civilian deaths. Treatment of detainees under government authority was deficient in some cases, including killing, torture, and other cruel, inhuman, or degrading abuse (see particularly sections 1.a. and 1.c.). Investigations with respect to these abuses covering all government-controlled detention centers were underway at year's end.

Former regime elements, local and foreign fighters, and terrorists waged guerrilla warfare and a terrorist campaign of violence impacting every aspect of life. Killings, kidnappings, torture, and intimidation were fueled by political grievances and ethnic and religious tensions and were supported by parts of the population.

Insurgents and terrorists targeted anyone whose death or disappearance would advance their cause and, particularly, anyone suspected of being connected to government-affiliated security forces.

Bombings, executions, killings, kidnappings, shootings, and intimidation were a daily occurrence throughout all regions and sectors of society. An illustrative list of these attacks, even a highly selective one, could scarcely reflect the broad dimension of the violence.

Terrorists, insurgents and reportedly militia members frequently targeted government officials. On April 21, the director of the Baddush prison, Colonel Khaled Najim Abdullah, was shot and killed in Mosul. On April 27, gunmen shot TNA member Lamia Abed Khadawi, the first member of the newly elected assembly to be killed. On May 16, Ministry of Foreign Affairs Director General Jassim Mohammad Gharak was shot and killed by unknown assailants at his home. On May 23, in Baghdad's Mansour neighborhood, gunmen shot and killed Head of Operations

for the Minister of State for National Security Affairs General Wa'il al-Rubaie. On July 19, in the Karadah area of Baghdad, Sunni Arab Constitution Committee member Mijbil Issa was killed in a drive-by shooting, as well as two of his bodyguards. In addition to these cases, many other political activists and ordinary civilians were also wounded and killed.

Bombings took thousands of civilian lives across the country during the year. For instance, on February 28 a suicide bomber drove into a crowd outside a government health center, killing approximately 125 and injuring at least 130. A suicide bomber blew himself up in a crowd of police volunteers in the northern city of Irbil on May 4, killing approximately 45 and wounding more than 90.

On September 14, more than 180 people were killed in a series of attacks in Baghdad, including a car bomb attack on a group of workers in a mainly Shi'a district. Al-Qa'ida in Iraq claimed responsibility. Its leader, Abu Musab al-Zarqawi, a Jordanian-born Sunni, focused hostilities on the Shi'a population. On October 11, a suicide bomber drove his explosives-packed vehicle into a crowded outdoor market in Tal Afar, killing at least 30 and wounding 45. Al-Qa'ida claimed responsibility for the attack. The following day, a suicide bomber detonated the explosives hidden beneath his clothing at an army recruiting center in Baghdad, killing at least 30 and wounding 35.

All sectors of society suffered from the continued wave of kidnappings. Kidnappers often killed their victims despite the payment of ransom. The widespread nature of this phenomenon precluded reliable statistics.

Unknown assailants seized Egyptian Ambassador Ihab al-Sherif from a Baghdad street on July 2 and later killed him. Algerian diplomats Ali Belaroussi and Azzeddine Belkadi were kidnapped as they left the Algerian Embassy. Al-Qa'ida of the Jihad Organization in the Land of Two Rivers claimed responsibility for the kidnapping and subsequent murder of the two diplomats. Five members of Baghdad's St. George's Anglican Church disappeared in mid-September while returning from a conference in Jordan. There was no information about their whereabouts at year's end.

Press reports indicated that insurgents often used children as informers and messengers and in diversionary tactics to distract security forces troops. Children sometimes participated directly in attacks, as well (see section 5).

Throughout the year terrorists systematically damaged and destroyed key infrastructure. Principally, but not exclusively in the central region of the country, sabotage to oil, electricity, and transportation lines reduced the movement and availability of critical services and goods to the population.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The TAL broadly protects the right of free expression. CPA Order 14, as amended by CPA Order 100, restricts media organizations from incitement to violence and civil disorder, expressing support for the banned Ba'th Party and support for "alterations to Iraq's borders by violent means." Government actions based on the order must be consistent with the TAL and the country's obligations under international law and are appealable within the judicial system.

Media organizations determined to be in violation of the CPA orders are subject to closure, possible imprisonment of persons involved in the violation, and a fine of up to \$1 thousand (1.5 million dinars). No media organizations in the country were closed during the year. The Iraqi Association of Journalists asserted that journalists were censored and had been accused of collaboration with the insurgents after trying to report on both sides of the conflict. There was no government censorship office.

Licensing procedures are transparent and an independent entity was established to license broadcast media, although the process has lapsed in the face of other priorities. The press does not require a license to operate.

The independent media were active and diverse. There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turcoman, and Syriac. The media represented a very wide range of viewpoints. Columnists openly criticized the government in print media, and government officials responded to viewer call-ins on television programs. Election programs featured live debates among candidates.

Public media (one each for TV, radio, and newspaper) launched by the CPA were incorporated into a new publicly funded broadcaster, the Iraqi Media Network.

Much of the media was owned by political party groups or coalitions of political, ethnic and religious groups. Despite the enabling legal framework, the lack of independent commercial financing resulted in many media outlets being the voices of

and financially dependent upon political parties and other groups. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem.

The most widely watched television stations were independent Al-Sharqiya and public broadcaster Al-Iraqiya, along with Arabic-language satellite channels operating outside the country, such as Al-Arabiya and Al-Jazeera. Several other new outlets were gaining popularity, such as entertainment channel Al-Sumeria.

Foreign journalists generally operated without legal or bureaucratic hindrance. However, the August 2004 ban continued on the Qatar-based Al-Jazeera news channel, based on an Iraqi Communication and Media Commission report accusing the station of inciting violence and hatred. The station continued to employ free-lance journalists in the country and also bought reports and footage about the country from other satellite networks.

There were no restrictions on access to printed material or electronic media, equipment, or services. Foreign news broadcasts were not jammed.

According to the Committee to Protect Journalists, assailants killed or abducted at least 23 journalists and media assistants during the year. For example, gunmen shot and killed journalist Shamal Abdallah Assad on April 15, as he was driving on Kirkuk's main street.

In early July unknown assailants kidnapped Mosul television producer Khaled Sabih al-Attar. He was found shot and killed in an empty lot several hours after his abduction. According to the NGO Reporters Without Borders, two armed men shot and killed Firas al-Madhidi on September 21 outside of his home. Men in police uniforms shot and killed al-Madhidi's co-worker, Hind Ismail, the previous day. On October 23, there were no reported fatalities among the media when three car bombs exploded in Baghdad near the Palestine and Sheraton hotels, which housed many foreign journalists.

Self-censorship took place due to a climate of fear of violence. On August 13, Al-Hurra television aired a program about the March incident at Basrah University in which Sadrists violently broke up a picnic and beat students for "un-Islamic" behavior (see section 2.c.). Following the program, unidentified Sadrists kidnapped one Al-Hurra employee and threatened to kill the entire Basrah office's staff. The office remained closed at year's end, and the employees were in hiding.

There were no government restrictions on the Internet or academic freedom. However, Kurdish parties in the North and Shi'a-dominated parties in the South controlled the pursuit of formal education and the granting of academic positions.

b. Freedom of Peaceful Assembly and Association.—Freedoms of assembly and association are guaranteed by the TAL. Under the emergency law, the prime minister has the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances.

Many demonstrations took place countrywide on sensitive issues concerning government decisions or lack of government capacity to address problems, although not on subjects prohibited under the anti-Ba'th orders inherited from the CPA. Police generally did not break up peaceful demonstrations except when a curfew was violated.

However, the police used coercion at times. For example, on March 27, dozens of demonstrators entered the Ministry of Science and Technology, demanding higher wages. Shots were fired during the demonstration, resulting in minor injuries to seven individuals, after which the crowd quickly dispersed. The minister of interior warned citizens the following day not to hold protests, saying such gatherings invited large-scale terrorist attacks.

In the streets of Najaf in early June police physically assaulted and detained students for wearing jeans and having long hair. The students said police beat them and shaved their heads.

In January Kurdish militia in Bartalah reportedly broke up a peaceful demonstration by Shabak villagers, assaulting several demonstrators and firing their weapons over the crowd.

c. Freedom of Religion.—The TAL provides for freedom of thought, conscience, and religious belief and practice. While the government endorsed these rights, its efforts to prevent or remedy violations were hampered by substantial politically and religiously driven violence between Sunni and Shi'a (see section 1.g.) and by harassment of Christians. Deficiencies in security force capabilities and in the rule of law made it difficult for the justice system to investigate or address violations of these rights. Amid hostility and acts of terrorism against citizens of different faiths and their places of worship, religious leaders repeatedly called for tolerance.

Government leaders spoke often of the need for all citizens to unite—regardless of religious orientation—in the face of terrorism and repeatedly emphasized their

commitment to equal treatment for all religions and ethnicities. Prime Minister Al-Ja'afari frequently expressed his concern over implications of the government's possible involvement in violence against the Sunni Arab minority. The MOI undertook to investigate alleged police involvement in the unlawful detention, torture, and murder of Sunnis, but no results were released during the year.

Religious groups are required to register with the government. According to the Christian and Other Religions Endowment Office, approximately 18 foreign missionaries applied during the year to operate in the country. After learning of the registration requirements, which include having at least 500 followers in the country, none of the organizations returned to complete the registration process.

An estimated 97 percent of the population is Muslim. Shi'a Muslims—predominantly Arab, but also including Turcomen, Faily Kurds, and other ethnic groups—constitute 60 to 65 percent of the population. Sunni Muslims make up 32 to 37 percent of the population (approximately 18 to 20 percent are Sunni Kurds, 12 to 16 percent Sunni Arabs, and the remainder Sunni Turcomen). The remaining approximately 3 percent consist of Christians—Chaldean (an eastern rite of the Catholic church), Assyrian (Church of the East), Syriac (Eastern Orthodox), Armenian (Roman Catholic and Eastern Orthodox), and Protestant Christians, as well as small numbers of Yazidi, Sabean (Mandaean), Baha'i, Kaka'i, Ahl-e-Haqq, and a very minute Jewish community.

Shi'a Arabs, although predominantly located in the South, are also a majority in Baghdad and have communities in most parts of the country. Sunni form the majority in the center (Arabs) of the country and in the North (Kurds). Shi'a and Sunni Arabs are not ethnically distinct.

According to official estimates, the number of Christians in the country decreased from 1.4 million in 1987 to approximately 750 thousand during the year, with Catholics comprising the majority. According to church leaders in Irbil and Mosul, Christians in the North account for roughly 30 percent of the country's Christian population. Christian religious leaders estimate that approximately 700 thousand Iraqi Christians live abroad.

The ongoing insurgency significantly harmed the ability of all religions to practice their faith. Additionally, sectarian misappropriation of official authority within the security apparatus harmed the rule of law and the right of citizens to worship freely. The Sunni Arab community often cited police raids of its mosques and religious sites as an example of targeting by the Shi'a-dominated government.

On May 19, for example, security forces raided Baghdad's prominent Sunni Abu Hanifa Mosque as Friday prayers were ending, reportedly to detain alleged terrorists. Local leaders complained that security forces used tear gas and abused women. The prime minister subsequently provided compensation for damages to the Sunni religious endowment office and promised a full investigation of the incident.

On June 9, police broke into Amarra's Sunni Hetteen Mosque in southern Iraq charging that it harbored terrorists. Subsequently, the police turned the mosque over to the Shi'a Endowment Office, which changed its name to Fatima Al Zahraa mosque.

The police—particularly the Special Police—abducted, detained, and tortured individuals. According to a variety of reports, police engaged in extrajudicial killings, particularly of members of the Sunni Arab minority. In many instances of alleged police abuse, it was impossible to confirm that all the perpetrators were in fact police officers because of instances of impersonation of police officials (see section 1.a.).

There were allegations of religiously based employment discrimination. Several ministries, including those of health and communications, reportedly conducted large-scale firings of non-Shi'a employees, often on the grounds that the fired employees were senior Ba'thists, security risks, or both (see section 3). Some non-Muslims accused the government of discrimination in hiring, claiming that unqualified Shi'a applicants were hired over qualified non-Muslims. The municipal administration of the city of Basrah allegedly refused to employ Christians.

There were allegations that the KRG engaged in discriminatory behavior against religious minorities. Minorities living in areas north of Mosul asserted that the KRG confiscated their property—including the properties of Christians—without compensation and that the KRG began building Kurdish settlements. Assyrian Christians also alleged that the KDP-dominated judiciary routinely discriminated against non-Muslims and legal judgments in their favor were not enforced. In spite of alleged KRG discrimination against religious minorities, many non-Muslim minorities fled to Kurdish region from the more bellicose center and religiously repressive South of the country.

During the year members of Catholic, Assyrian, and Armenian Orthodox churches as well as clerics left Shi'a-dominated Basrah because of religious, social, and eco-

nomie discrimination and because of fears for their lives due to the unstable security situation for Christians.

Societal Abuses and Discrimination.—Extremists, including terrorist groups and militia members, targeted many individuals because of their religious orientation, and very conservative elements of society targeted others because of their secular leanings. Many also were victims of the general lawlessness that permitted insurgents and criminal gangs, as well as those in police uniform to victimize citizens with impunity. In addition to kidnapping, individuals were the victims of harassment, intimidation, and murder. Some Christians in Basrah reportedly were forced to pay protection for their personal welfare. Women and girls reportedly often were threatened for not wearing the traditional headscarf (*hijab*), assaulted with acid for noncompliance, and sometimes killed for refusing to cover their heads or for wearing western-style clothing. Some women were reportedly denied employment and educational opportunities because they were non-Muslim or did not present themselves as sufficiently conservative.

Students generally were not prohibited from practicing their faith in school. However, members of non-Muslim minorities and secular Arabs in some schools were increasingly forced, often under the threat of violence, to adhere to conservative Islamic practices. During the year Basrah's education director instituted a policy requiring all females in the schools to cover their heads. Additionally, all female university students in Mosul, including non-Muslims, were required to wear the hijab.

On March 15, Muqtada al-Sadr loyalists attacked picnicking Basrah University students, claiming they were violating the principles of Islam with their western-style clothing, and by singing, and dancing. The Sadrists fired guns at the students and beat them with sticks. Police were also present during the incident but did not intervene. University officials reported that at least 15 students were hospitalized, many with serious injuries (see section 2.a.).

An upsurge in sectarian violence occurred in early May. Foreign jihadists were reportedly responsible for killing Sunni and Shi'a clerics seeking to incite further sectarian violence. Terrorists attacked mosques, and Sunni and Shi'a neighborhoods. They killed clerics, religious leaders, and private citizens of both sects.

On May 14, the bodies of 10 Shi'a soldiers were found in Ramadi in the largely Sunni Al-Anbar Province. Thirteen blindfolded and bound men, thought to be Sunni, were found shot to death on May 15 in Baghdad in the same Shi'a district where the bodies of 14 Sunni had been found the previous week. On the same day, 11 bodies were found at another Baghdad location, and another 11, reported to be those of Shi'a ambushed by Sunni gunmen, were discovered south of Baghdad.

On May 20, the Imam of Baghdad's Al Hamza Mosque, Sheikh Ayad Khalid Mohammed al Samaraie, disappeared. His body was subsequently discovered in Baghdad's Al-Shoa'ala neighborhood. Samaraie had been shot in the head, and his body showed signs of torture.

According to the Sunni and Shi'a religious endowment offices, approximately 50 Shi'a and 15 Sunni mosques were bombed during the year. On June 4, a suicide bomber blew himself up killing 10 and wounding 12 Sunnis in a religious meeting in a house in Balad, about 50 miles north of Baghdad.

A suicide bomber, thought to be targeting Shi'a citizens, detonated explosives at an outdoor market in Baghdad on November 3, killing approximately 20 and wounding at least 60. Many women and children were among the dead and wounded. Another attack on July 16 at the same spot, which is near a Shi'a mosque, left at least 54 people dead. In that attack, a suicide bomber set off the explosives strapped to his body near a gas station. The resulting explosion also wounded at least 82.

Islamist militants harassed shopkeepers for providing goods or services considered to be inconsistent with Islam and sometimes killed them for failing to comply with warnings to stop such activity. On May 11, leaflets were distributed in Yousifiya forbidding the sale of cigarettes and cautioning barbers not to cut hair in the modern styles or use thread to remove facial hair and produce smoother facial skin.

Religious motivations apparently were the motivation of Islamic extremists' attacks on liquor store owners, primarily Christians and Yazidi. Liquor stores in Baghdad, Mosul, and Basrah were bombed, looted, and defaced, and the Christian and Other Religions Endowment Office reported that approximately 95 percent of such establishments closed due to threats by Islamic extremists.

While Sabeen leaders stated that criminals targeted their community for its perceived wealth, Islamic extremists threatened, kidnapped, and killed Sabeens for refusing to convert to Islam.

On January 16, Riyadh Radhi Habib, president of the Mandaean Supreme Spiritual Council in Basrah, died after being shot more than 90 times by 3 gunmen reportedly demanding that he convert to Islam. On February 15, armed men confronted Wafsi Majid Kashkul at his Baghdad jewelry store and reportedly demanded

that he convert to Islam. When Kashkul refused, the men shot him and left without stealing anything from the shop. On March 14, it was reported that three Sabeen brothers, Anweer, Shaukai, and Amer Juhily, were kidnapped from their Basrah home. The kidnappers demanded that the brothers convert to Islam; they refused and were shot and killed.

There were no reported examples of anti-Semitic actions against Jewish citizens. According to the head of the Christian and Other Religions Endowment Office, the country's millennia-old Jewish population had dwindled to only 20 persons in the Baghdad area. There were also unverified reports of small numbers of Jews living in KRG areas.

However, anti-Semitic sentiment remained a cultural undercurrent. As an example, the TNA passed a citizenship law on November 15 that, among other things, precludes Iraqi Jews from regaining citizenship. The Presidency Council (the president and the two deputy presidents) sent a notice to the TNA that it was vetoing this legislation, but the TNA challenged the legal effectiveness of the notice. As a result of this dispute, the law was not in effect 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 TAL guarantees the right of free movement in all parts of the country and the right to travel abroad and return freely; however, there were some limitations in practice. Under the state of emergency law, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in Kurdish areas, only in coordination with the KRG). The government availed itself of these powers in practice in the course of the conflict.

Beginning in May and continuing until at least mid-July, the KRG arbitrarily controlled internal borders between the KRG and the rest of the country. On numerous occasions, the KRG, denied entry on the basis of ethnic background, gender, and age. Security forces sometimes detained individuals for up to 14 hours and prohibited them from making outside contact, or turned them away at the checkpoint because Arabs were not allowed into the Kurdistan Region. KRG authorities asserted they were acting judiciously in controlling travel by individuals or groups entering Kurdistan from less secure parts of the country. In July the MOI ordered KRG authorities to cease such activity. No cases were reported after the order was issued.

The TAL expressly prohibits forced exile of all native-born citizens and, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications, naturalized citizens. Forced exile did not occur.

There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced. Despite legislation to the contrary, some authorities continued to require that women between the ages of 12 and 40 obtain the approval of a close male relative before being issued a passport. Government officials denied that there was a policy to this effect.

Internally Displaced Persons (IDPs).—In October the UN High Commissioner for Refugees (UNHCR) estimated that there were more than 1.2 IDPs in the country. The former regime was responsible for the displacement of more than a million persons. By April more than 470,000 persons were estimated to have returned to their places of origin, habitual places of residence, or other places of their choice. In June operations related to the ongoing military conflict resulted in the new displacement of approximately 40 thousand persons in the Western Euphrates River Valley and 20 to 40 thousand persons from the predominantly Turcoman city of Tal Afar in Ninewah Province near the Syrian border. By the end of September, most of the IDPs from Tal Afar had returned to the city, but those from the Western Euphrates River Valley had not returned to their homes.

During the Saddam era, both ethnic Arabs and non-Arabs were forced or induced to move to other regions of the country. The vast majority of IDPs were non-Arabs (Kurds, Chaldo-Assyrians, and Turcomen) forcibly relocated southward as part of the regime's "Arabization" process to make way for incoming Arab families forced or induced to settle around Kirkuk and other northern areas.

Many Arabs who were part of this Arabization process either fled their homes in the North during the 2003 war or were forced out or prevented from returning by Kurdish civilians and fighters who had returned to villages from which they had originally been displaced.

Frustrated by the slow resolution of property disputes, the main Kurdish political parties encouraged and supported resettlement of Kurdish IDPs in Kirkuk outside the framework of the IPCC (see section 1.e.). Meanwhile, Arabs remained, especially

in Kirkuk, in antagonistic and extremely poor conditions, facing pressure from Kurdish authorities to leave the province.

Due to poor security conditions and inadequate social infrastructure to absorb returnees, the Ministry for Displacement and Migration (MODM) continued to support a ban on the forced return of Iraqi citizens to the country from abroad. The United Kingdom involuntarily returned 15 citizens to Irbil on November 21, and other countries were considering whether to follow suit. Additionally, there was a housing shortage estimated at between 1.4 and 2 million units in the country. There were also inadequate education and health care facilities for the current displaced and refugee population. The MODM, however, continued to support the principles of voluntary repatriation and underscored the importance of safe and dignified returns.

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. However, the government recognized a refugee population of an estimated 65 thousand persons.

The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

During the year refugees were targeted in attacks carried out by insurgents, security forces, and members of the general public. Protection for Palestinian and Syrian refugees continued to deteriorate. There were credible reports that police and individuals pretending to be police targeted Palestinians for arbitrary arrest, detention, and house raids. There was a wave of increased abuse of Palestinian refugees by the security forces and the general public following the May 12 bombing in Baghdad's Al-Jadida neighborhood after media reports attributed the violence to the Palestinians. Groups not affiliated with the government also reportedly threatened the physical safety of refugees from groups that the previous regime favored (Palestinians, Syrian Ba'thists, and Ahwazis).

Iranian Kurds in the Al Tash Camp near Ramadi in Al-Anbar and Turkish Kurds in the Makhmour Camp in Ninewah became increasingly vulnerable due to the deteriorating infrastructure and security in both locations. Groups not affiliated with the government harassed, threatened, and abused residents of both camps.

UNHCR provided protection and assistance to both Syrian and Palestinian refugees through rental subsidies, other forms of material assistance, and legal representation. As of November 1, UNHCR did not have any international staff based in the country; therefore, it was unable to conduct refugee status determinations to assess the claims of asylum seekers and evaluate possible durable solutions for those recognized as refugees.

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

The TAL provides citizens the right to change their government peacefully through periodic, free, and fair elections based on universal suffrage. Citizens exercised this right at the national level for the first time on January 30, when they elected the 275 members of the Transitional National Assembly. The TNA subsequently announced the formation of the rest of the transitional government on April 28. On October 15, citizens voted to adopt a permanent constitution, which included the full panoply of protections of human rights. On December 15, citizens voted for representatives for a new legislature, called the Council of Representatives.

The Independent Electoral Commission of Iraq (IECI) had the sole responsibility for administering the October referendum and two elections in January and in December. During the year the IECI continued to draft regulations to support the conduct of a free, fair, and transparent electoral process, including the passage in September of a new election law that mandated a multidistrict electoral process.

Elections and Political Participation.—In spite of the threat from terrorist and insurgent violence, the January and the December national elections, as well as the October referendum, were widely considered to have met international standards for free and fair elections. Although the IECI detected irregularities and investigated complaints, these were not enough to change the results of the balloting. The IECI opened more than 6 thousand polling centers throughout the country for a total of more than 30 thousand polling stations available to the eligible voters. The actual voter turnout increased in each succeeding event, with a January election turnout of nearly 59 percent, an October referendum turnout of more than 62 percent, and a December election turnout of 77 percent. The turnout of these combined events showed that overall voters had good access to their respective polling centers.

However, there were some irregularities. In the January elections, many of the mostly non-Muslim residents on the Ninewah Plain were unable to vote. Some polling places did not open, ballot boxes were not delivered, and incidents of voter fraud and intimidation occurred. These problems resulted from administrative breakdowns on voting day and the refusal of Kurdish security forces to allow ballot boxes to pass to predominantly Christian villages. After an investigation of these allegations, the IECI acknowledged that the voting facilities in Ninewah were inadequate. The IECI claimed that these irregularities were due to the poor security situation in Ninewah, Anbar, and other regions. However, the security situation did not affect any particular segment of the population.

During the October referendum, there were few complaints of irregularities, and most related to procedural issues. Although there were allegations of interference by local electoral staff, outsiders, or police, such reports were not widespread.

In November the IECI removed 86 thousand names from the voter list for Kirkuk Province, due to indications that the names reflected multiple registrations or fraudulent registration. However, for the December 15 election, the IECI provided a supplemental voter list that contained the names of all 86 thousand individuals, who were then allowed to vote only if they provided adequate documentation to establish their bona fides as legitimate Kirkuk voters.

Regarding the December 15 election, observer groups and political entity agents submitted more than 1,800 complaints, with 50 complaints designated “red,” indicating a complaint that had the potential to affect the outcome of the election. Based on adjudication reports from the IECI, these complaints ultimately did not have an impact on the elections, which was judged to have met international standards. The significant amount of complaints was largely attributed to the IECI outreach campaign that notified observer groups and political entity agents on the complaints procedures as well as the large number of domestic monitors. The IECI also had complaint forms available at each polling station.

After boycotting the January elections, Sunni Arab groups gradually became more actively engaged in the political process at both the national and provincial levels. Arab and Turcoman members on the Kirkuk Provincial Council ended their boycott in early August, and the Kurdish-majority council became an increasingly effective decision-making mechanism.

Although not proportionately represented in the TNA, Sunni Arabs and other minorities had proportional representation on its 71-member subcommittee responsible for drafting the permanent constitution.

The permanent constitution, drafted by the subcommittee and subsequently adopted during the October 15 referendum, was scheduled to come into force following the formation of a permanent government after the December 15 elections. The permanent constitution includes guarantees of basic freedoms and human rights.

Political parties and candidates had the right freely to propose themselves or be nominated by other groups. The government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views.

The country’s political parties, as a general rule, tended to be organized along either religious or ethnic lines—sometimes both. Shi’a Islamist parties, such as the SCIRI and Da’wa, as well as such Kurdish nationalist parties as the KDP and PUK, were predominant political forces. Other political players included the Sunni Iraqi Islamic Party and other ethnic minority parties, such as the Assyrian Democratic Movement and the Liberal Faili Kurds Organization.

Membership in the dominant political parties conferred special privileges and advantages in education and employment. There were numerous allegations that the KDP and PUK prevented the employment of nonparty citizens and that courts were biased against nonparty claimants (see section 2.c.).

The TAL provides for the election of women and minorities to the TNA, with a goal of having no less than one-quarter of the representatives be women and of having fair representation of all communities. Women leaders, representing a broad spectrum of political views, expressed concern that some women were selected to participate in the political process—at both the local and national level—only to meet this quota.

There were 87 women in the TNA, 32 percent of the membership, and five women ministers in the government: the minister of state for women’s affairs and the ministers of science and technology, displacement and migration, environment, and public works. Additionally, nine cabinet members were from small religious and ethnic minority groups.

The government was representative of the country’s ethnic and sectarian diversity, despite the Sunni boycott of the January elections. The Sunni Arab minority had seats in the TNA but proportionally far fewer than their share of the overall

population. Of minorities in the assembly, there were 16 Sunni Arabs, 13 Turcomen, 6 Chaldo-Assyrians, 3 Yazidis, 3 Faili Kurds, 3 Shabak, and at least 1 Kaka'i.

Government Corruption and Transparency.—Large-scale financial as well as political, personal corruption in the government remained a severe problem. The Commission on Public Integrity (CPI) head Radhi Hamza al-Radhi told the press in March that corruption within the government was widespread and had worsened (see section 1.c.).

The CPI was formed in January 2004 and is dedicated to preventing and investigating cases of corruption in all ministries and other components of the government nationwide. The CPI is an independent body headed by a single commissioner who reports to the country's chief executive and legislature at least annually on the CPI's activities. The CPI is responsible for investigating allegations of government corruption and referring appropriate cases for criminal prosecution, promoting standards of transparency and accountability in government activities, and conducting community education and outreach programs to stimulate public demand for open, honest, and accountable government.

The CPI grew significantly in size and capacity during the year; it had more than 120 investigators working more than 2 thousand cases. Corruption reports to the CPI hot line far outstripped the organization's investigative capacity, and 587 cases were forwarded to the Central Criminal Court of Iraq (CCCI) for adjudication by 5 investigative judges. By the end of the year, the CCCI had adjudicated only two of these cases due to judicial intimidation, lack of training, and gaps in legislation.

The CPI initiated a code of conduct for government employees during the year, as well as financial disclosure for senior government workers, which was to be implemented in 2006. The CPI also conducted ethics training and educational outreach for selected ministry officials and throughout the provincial governments in an effort to instill respect for the rule of law and curb abuses of power. The CPI worked with the Ministry of Education on incorporating civics and ethics programs into the curricula for primary, secondary, and higher education institutions and established a hot line for citizens to report corruption violations and abuses by public officials. The CPI also investigated a number of cases involving human rights violations.

On February 24, the Supreme Audit Board announced that, as ordered by the Council of Ministers, it would conduct an audit of all contracts with all ministries in an effort to combat corruption within the government.

Investigations into alleged wrongdoing at the MOD, begun in 2004, continued throughout the year and resulted in numerous dismissals and resignations. On October 11, officials issued arrest warrants against former minister of defense Hazem Sha'alan, who was out of the country at year's end, and 27 other officials alleged to have played a key role in the theft of \$1 million (1.5 trillion dinars) in 2004.

In May the former minister of labor and social affairs Layla Abdul Latif was the first ministerial-level official arrested on corruption charges. She was convicted and sentenced to six months (suspended) for using public money to send family members on the Hajj in 2004. Additionally arrest warrants were issued for the former minister of transportation and minister of municipalities and public works, but were not carried out.

There was widespread intimidation, as well as killings and attempted attacks against CPI employees, IG personnel, and witnesses and family members involved with CPI cases. The head of the Mosul branch office Brigadier General Waleed Kashmoula was killed on March 25 when a suicide bomber entered his office and detonated his explosives. The CPI's Engineering Manager Ala' Aldean Waxear al Obaidy and Special Investigative Unit employees Muhammed Abd Salef and Mohammad Fadhil Obaid were killed in ambushes on the road on May 17, August 16, and September 25, respectively. IG staff and ministry employees were fired because they provided corruption evidence.

The CPI established a Witness Protection Program. The CPI Special Investigative Unit investigated intimidation and murder cases but had not prevented or solved any by year's end.

In February 2004 the CPA established a system of 31 IGs in all ministries, the city of Baghdad, the Central Bank, and the religious endowments. The mandate of the IG program, which comprises 2,500 total staff, is to audit, inspect, and investigate in order to reduce fraud, waste, and abuse. IGs also focused on developing standards and ensuring mechanisms to protect human rights were in place. More than 50 percent of IG offices had established a human rights unit within their organization by year's end.

IG staff produced more than 800 audit reports and 950 inspection reports, and conducted approximately 750 investigations during the year. While approximately 15 percent of these cases were referred to the authorities as criminal cases, IG standards remained well below international norms.

The IG system remained vulnerable. Many high-level government officials continued to exercise the autocratic authority permissible under the Ba'athist regime. Officials at the MOI, for example, ordered arrests without first obtaining arrest warrants issued by a judge (see section 1.d.). Court orders requesting proof that an arrest was lawful were sometimes ignored. Several heads of ministries removed their IGs in violation of the law that stipulated the IG might only be removed for specified causes.

No training or professional development mechanisms or common procedures across the ministries existed. Transparency was not common, and ministers often did not understand the effective use of the IGs.

Intimidation and politics were factors in some allegations of corruption, and officials sometimes used "de-Ba'athification" as a means to further political and personal agendas.

On April 25, the Basrah De-Ba'athification Committee dismissed six University of Basrah college deans. A group called "The Forces of Sadr" demanded their removal and threatened to kill the deans' families if they did not comply. University and governorate officials failed to respond to appeals for reinstatement, fearing reprisals from the Sadrists.

Seventeen University of Tikrit professors lost their jobs on October 16, due to de-Ba'athification. The professors claimed that they had maintained party membership only as a requirement of their employment and did not engage in any criminal activity to further Ba'ath Party goals.

The law did not provide public access to government information for citizens and noncitizens, including foreign media.

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

NGO activity and advocacy continued to grow but remained weak overall. National NGOs were newly formed and generally lacked resources, while staff of international NGOs were constrained by both the difficult security situation and their organizations' critical judgments of post-Saddam governing, which often led to mutual distrust. In this atmosphere, the regulatory environment for domestic and international NGOs, in general, deteriorated as the government imposed additional controls over the NGO community and a more onerous registration process. Human rights NGOs continued to face obstacles in gaining access to prisons and detention facilities, and the additional controls imposed on these organizations limited their effectiveness.

In late summer, Ala' Kazim, the state minister for civil society and the government NGO Assistance Office under his supervision initiated a media campaign that many international and domestic NGOs considered an effort at intimidation. The Ministry of Human Rights (MOHR) created a section for NGO outreach and regularly met with human rights NGOs in an effort to facilitate their access to detention facilities. Additionally, the TNA Constitution Committee sought NGO input during the constitution-drafting process, and the state minister for women's affairs regularly coordinated her efforts with the NGO community.

On February 9, the prime minister amended the NGO law and transferred the NGO Assistance Office and its registration authority from the Ministry of Planning and Development Cooperation (MOPDC) to the General Secretariat of the Council of Ministers but gave the state minister for civil society a role in overseeing the office as a consultant. The General Secretariat was to retain ultimate responsibility over the office. On March 3, officials from the State Minister's Office entered the premises of the NGO Assistance Office, removed the office's furniture, equipment, and registration records, and fired the office director.

State Minister for Civil Society Ala' Kazim took office upon the formation of the ITG in April. He subsequently replaced and enlarged the staff of the NGO Assistance Office and issued new registration requirements. Domestic NGOs were required to pay a registration fee of approximately \$75 (112,500 dinars) and provide detailed information about their members. International NGOs were required to comply with requirements that included a \$10 thousand (15 million dinars) registration fee, photographic identification of all members of the NGO, and other new and unpublished administrative procedures.

In August and September, the NGO Assistance Office published a series of announcements threatening the closure of certain international and domestic NGOs unless they registered according to the new rules. International NGOs accused the government of endangering their security by publicly listing their names. In a September 18 announcement, the NGO Assistance Office forbade all NGOs from working with "EIN," a coalition of domestic NGOs that monitors elections. The directive was rescinded after international criticism.

During this period unannounced visits by representatives of the state minister demanding photographs, passport details, names, and addresses of all staff and their family members prompted several international NGOs to relocate local staff and temporarily close their regional offices.

On September 27, the UN Assistance Mission for Iraq wrote on behalf of the international donor community soliciting support from the minister of planning and development cooperation to resolve issues “that have instilled a sense of insecurity among NGO staff, both national and international.”

On October 25, the state minister repealed the registration fee and intrusive personal information requirements.

The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs in the North. However, an anticorruption NGO program faced difficulties in the KRG area because officials maintained that corruption was not a problem. Additionally, the KRG reportedly pressured NGOs into hiring only Kurds and dismissing non-Kurds on security grounds.

The MOHR is responsible for the development and implementation of a human rights policy. No minister of human rights was appointed in the ITG in April, nor had one been appointed by year’s end. The minister of environment also served as the acting human rights minister during the year.

The MOHR employed 260 people and, in addition to its office in Baghdad, had offices in Basrah, Tikrit, Nasariyah, and Samarra. There were also KRG ministers of human rights in Irbil and Sulaymaniyah governorates.

During the year the MOHR in the absence of a minister attempted to focus on raising awareness and knowledge of human rights throughout the country, incorporating human rights training into the curricula of all primary and secondary schools, building a viable civil society, working with other ministries to ensure that human rights were a mainstream priority within the government, and assisting with humanitarian exhumations.

The MOHR participated in human rights and other conferences, including joint conferences with the Ministries of Interior, Defense, and Justice.

There was no Human Rights Commission or Ombudsman. The TNA’s Human Rights Subcommittee did not play a significant role in developing human rights policy.

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

The TAL provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The government generally enforced these provisions.

Women.—The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women.

In its October report *A Face and a Name; Civilian Victims of Insurgent Groups in Iraq*, HRW said that the lack of security and conservative pressure increasingly forced women to take a less prominent role in public life.

In a July 7 letter to UN Secretary-General Kofi Annan, a group of women activists reported increased human rights abuses against girls and women, including forced veiling, segregation, contracted marriages of underage girls, and killing.

Women leaders—ministers, members of parliament and ambassadors—claimed that some extremist groups targeted women by kidnapping, killing, and terrorizing them in an effort to force them to refrain from working in public, remain at home, wear veils, and adhere to a very conservative interpretation of Islam. According to a February Amnesty International report, women and girls feared abduction, rape, and killing, and the lack of security remained a serious threat.

Islamic extremists reportedly targeted female university students in a number of cities, demanding that they cease wearing western-style clothing and cover their heads while in public. Additionally, these extremists allegedly called for a separation of male and female students in some universities.

According to local law enforcement sources, two or three women were murdered each week in Basrah, where banners were frequently seen that threatened women who did not wear the hijab. It was widely believed that many of the women were killed because they were not wearing the hijab, including some women who were targeted, taken from their homes, and killed. In October, for example, three young women were fatally shot in the head, and their bodies were left near the university.

The law prohibits rape. Prostitution is illegal.

The minister of state for women’s affairs (MSWA), with a 17-person professional staff, functioned primarily as a policy office. The MSWA did not have a budget, nor did it have the right to hire employees or interact with cabinet-level ministers without the permission of the Council of Ministers. On November 1, the MSWA announced that the Council of Ministers had approved elevating the office from its

minister of state status to full ministerial status. However, no further action had been taken by year's end.

The MSWA conducted outreach to various governing councils during the year, including Karbala and Wasit, to establish formal liaisons.

The Ministry of Labor and Social Affairs (MOLSA) Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal cash stipend from the ministry; however, the budget for this assistance did not meet the need.

Victims of domestic violence received no substantive assistance from the government. Domestic violence against women occurred, but little was known about its extent. Such abuse was customarily addressed within the tightly knit family structure. There was no public discussion of the subject, and no statistics were published. There were some reports during the year that honor killings occurred, but no further information was available.

Children.—The government was committed to children's rights and welfare, although noncitizen children were denied government benefits. The category "noncitizen children" includes the children of Iraqi mothers and noncitizen fathers. They had to pay for services such as otherwise free public schools, costing approximately \$1 thousand (1.5 million dinars) per year; health services; and, except for several hundred Palestinian families, were not eligible for the national food rationing program. According to the law, a person born outside the country to an Iraqi mother and unknown father or one without citizenship can petition for citizenship within one year prior to reaching legal age, while residing in the country.

According to a survey of living conditions conducted in the second half of 2004 by MOPDC in conjunction with the UN Development Program, almost one-half of the country's population was less than 18 years of age.

Free primary education is compulsory for 6 years, and 89 percent of students reach the 5th grade. The net enrollment of primary school-aged children was 79 percent—83 percent for boys and 74 percent for girls. The percentage of children enrolled in primary schools was much lower in rural areas, particularly for girls, whose enrollment was approximately 60 percent. Overall enrollment in school of those ages 6 to 24 is 55 percent.

According to a MOPDC survey, youth literacy (ages 15 to 24) was 74 percent and adult literacy 65 percent. Only 56 percent of women were literate, compared to 74 percent of men. Both the level of education and literacy rates for women and girls dropped significantly in the last 15 years, especially in rural areas.

There was substantial progress in rebuilding the country's education system. The Ministry of Education produced a strategy to reorganize and restaff the ministry, rehabilitate school infrastructure, retrain teachers, and institute a national dialogue and framework for curriculum reform. More than 3 thousand schools were rehabilitated, and more than 19 thousand primary and secondary schools teachers and administrators were trained during the year.

Ministry of Health clinics provided health care, which was generally free of charge to all citizens. There was no systemic distinction in the care provided to boys and girls.

MOLSA operated a total of 22 orphanages for older children in Baghdad and the provinces, housing a total of 617 children, and 42 orphanages for young children, housing a total of 1,519 children.

In an effort to address juvenile delinquency, the MOI, in cooperation with MOLSA, initiated on March 20 a campaign to respond to the growing problem of street children. MOLSA officials estimated that approximately 480 homeless children in Baghdad alone were placed into homes during this campaign.

Press reports indicated that insurgents often used children as informers and messengers and in diversionary tactics to distract security forces. Children sometimes participated directly in attacks as well (see section 1.g.).

Trafficking in Persons.—Detection of trafficking was extremely difficult due to lack of information because of the security situation, existing societal controls of women, and the closed-tribal culture. There were reports of girls and women trafficked within the country for sexual exploitation.

Five European countries successfully stymied a criminal network trafficking Iraqi citizens to Turkey, Greece, Italy, France, and the United Kingdom, reportedly for commercial sexual exploitation within the European Union.

The MOI has responsibility for trafficking-related issues, but the demands of the security situation relegated trafficking to a lesser priority. Trafficking crimes were not specifically enumerated in MOI statistics on criminal activity. There were no

government sources of information; the MOI did not track these crimes or include them in the police training curriculum or conduct trafficking-related investigations.

Persons with Disabilities.—The law prohibits discrimination against persons with physical disabilities. The government enforced the law in the government but not in the private sector. The government proactively hires persons with disabilities.

MOLSA operated several institutions for the education of children and young adults with disabilities. These institutions offered basic educational services; however, they did not have access to appropriate pedagogical technology due to the absence of training and funding.

Seventeen institutes operated in Baghdad and the provinces for persons with mental and psychological handicaps and housed 1,096 persons. Additionally, there were 33 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes.

The government provided benefits for many thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.

National/Racial/Ethnic Minorities.—Ethnically and linguistically, the country's population includes Arabs, Kurds, Turcomen, Chaldeans, Assyrians, Shabak, and Armenians. The religious mix is likewise varied (see section 2.c.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language (Syriac), preserve Christian traditions, and do not define themselves as Arabs.

The TAL identifies Arabic and Kurdish as the two official languages of the state. It also guarantees the right of citizens to educate their children in their mother tongue, such as Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions.

The government or its agents reportedly committed abuses against some minorities. For example, on July 18, army forces allegedly attacked the Iraqi Turcomen Front in Mosul, pouring gasoline and igniting all the guard posts.

Kurdish authorities abused and discriminated against minorities in the North, including Turcomen, Arabs, Christians, and Shabak. Authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Kirkuk frequently charged that Kurdish security forces targeted Arabs and Turcomen. Kurds also complained that Turcoman election officials tried to prevent Kurdish participation and that Arabs prevented Kurds from returning to their homes in Kirkuk.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public.

Section 6. Worker Rights

During the period, the operative law was the TAL, which affirmed the continued validity of the 1987 labor code, and CPA Order 89, which amended it. The exercise of labor rights remained limited, largely due to insurgent violence, high unemployment, and maladapted labor organizational structures and laws.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations.

a. The Right of Association.—Workers are guaranteed the right of free, peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely in accordance with the law; however, the exercise of these rights remained limited. The government was largest employer in the country, and the status of government workers remained unclear. Under the 1987 labor law, government workers were considered professionals not entitled to join unions. This prohibition remained unenforced, although unmodified. In this situation, some government agencies tacitly accepted unions, while others banned them. There were no legal or practical restrictions on who may be a union official or advisor, excessive or arbitrary registration requirements, or restrictions on union political activity. The law did not prohibit antiunion discrimination by employers or others.

In Baghdad on January 4, the international secretary of the Iraqi Federation of Trade Unions and a Communist Party leader, Hadi Saleh, was bound, beaten, burnt, killed by choking with an electric cord, and then his body was machine-gunned by unknown assailants, according to media reports.

During most of the year, MOLSA continued to recognize and deal only with the IFTU. However, in September this federation joined with two other labor federations to create the General Workers Federation of Iraq (FGTI), and MOLSA dealt with this new entity. Subsequently, the government recognized or dealt only with unions belonging to FGTI.

The absence of laws and procedures consistently recognizing workers unions as legal entities left them vulnerable to government actions against their assets and bank account. In August a separate interministerial group headed by the minister of civil society challenged the legal standing of all union federations, as well as other "civil society" organizations, and began procedures to seize union-owned buildings and freeze bank assets. The origin and use of union assets and property and alleged corruption were central to the inquiry that was ongoing at year's end. At year's end many union properties, assets, and bank accounts remained frozen. There was no accountability to unions or oversight of these frozen funds.

There were no reported prosecutions of unions, or union federations or leaders for corruption during the year.

b. The Right to Organize and Bargain Collectively.—The TAL states that every citizen has the right to demonstrate and strike peaceably in accordance with the law. There were a number of strikes and labor actions by the powerful petroleum workers union. There were no reported reprisals against strikers. Typically strikes in the public sector occurred due to low salaries. Petroleum workers went on strike due to the fear that they might be replaced by foreign workers. More common than strikes were popular protests over unemployment. The law does not address collective bargaining, which is prohibited in the public sector and was not widespread in the country. Government labor courts are empowered to rule on labor code violations and disagreements.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The criminal law prohibits forced or compulsory labor, including of children. According to some press reports, foreign workers in the country were subjected to abusive treatment; no legal action in this area was reported.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the worst forms of child labor. CPA Order 89 limits working hours for workers under 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment is 15 years. Due to the effects of the ongoing insurgency, the Child Labor Unit of MOLSA's Labor Directorate had neither enough inspectors nor resources to enforce the law, maintain programs to prevent child labor, or remove children from such labor.

Despite the various laws and regulations, children were routinely used as an additional source of labor or income among the 1 million families subsisting on a per capita daily income of less than \$1 (1,500 dinars). This work often took the form of seasonal manual labor in rural areas. In cities it often meant begging or peddling a variety of products, as well as working in sometimes hazardous automobile shops or on construction sites.

Additionally, news reports indicated that families also used minors in insurgent activities. For example, the UN Global Policy Forum on March 15 in its report indicated that more than 20 Baghdad children received daily lessons to become insurgents and participated in diversion tactics to distract troops.

Projects to combat child labor were few, and those that existed affected few children. The government took action only as funded by the UN Children's Fund (UNICEF) or NGOs. For example, the Italian branch of the international NGO Terre des Hommes and UNICEF operated a rehabilitation and counseling center for a small number of working street children in Baghdad. Kurdish authorities supported several small-scale projects to eliminate child labor in the KRG area. UNICEF established centers for working children in Irbil.

e. Acceptable Conditions of Work.—The national minimum wage for a skilled worker was less than \$7 per day (10,500 dinars) and for an unskilled worker less than \$3.50 per day (5,250 dinars). Wages are set by contract in the private sector and set by the government in the public sector. The standard workday is 8 hours with 1 or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required. The average salary was approximately \$1,250 per year (1.875 million dinars). Unskilled workers must work 357 days per year to achieve this average. These earnings were barely above poverty level (\$2 per day or 3 thousand dinars) and did not provide a decent standard of living for a worker and family. A teacher can provide for a spouse and three children at a poverty level.

The occupational safety and health component of MOLSA had approximately 129 staff located throughout the country. Occupational safety and health programs existed and were sometimes enforced in state-owned enterprises. Enforcement of safety standards at private sector work sites was intermittent, and programs were rare. Most occupational safety issues were linked to violence and terrorism, not health.

ISRAEL

With a population of approximately 6.9 million (including about 5 million Jews within Israel), Israel is a multiparty parliamentary democracy. “Basic laws” enumerate fundamental rights. The 120-member, unicameral Knesset, has the power to dissolve the government and mandate elections. Both the 16th (most recent) Knesset and Prime Minister Ariel Sharon were elected democratically in 2003. In November Sharon requested that the president dissolve the Knesset, announced that he was leaving the Likud Party, and established a new party, *Kadima* (“move forward”). The president set elections for March 28, 2006. On December 29, pursuant to presidential decree, the Knesset was dissolved.

The judiciary is independent and sometimes ruled against the executive, including in some security cases. Notwithstanding some cases of abuse by individuals, the civilian authorities maintained effective control of the security forces. (An annex to this report covers human rights in the occupied territories. This report deals only with human rights in Israel.)

In August and September, Israel withdrew all civilians and military personnel from all 21 Israeli settlements in the Gaza Strip and from 4 settlements in the northern West Bank of the over 200 settlements there. Palestinians in the occupied territories are not citizens of the country and do not enjoy the rights of citizens, even if living in areas under full Israeli authority or arrested in Israel. The approximately 20 thousand non-Israeli residents of the Golan Heights were subject to Israeli authority and Israeli law.

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

- serious abuses by some members of the security forces against Palestinian detainees
- Palestinian terrorist attacks against Israeli civilians and Israeli Defense Force (IDF) soldiers resulted in the death of 29 civilians and an IDF soldier within Israel
- poor conditions in some detention and interrogation facilities
- improper application of security internment procedures (see annex)
- institutional, legal, and societal discrimination against the country’s Arab citizens
- discrimination in personal and civil status matters against non-Orthodox Jews
- societal violence and discrimination against women
- trafficking in and abuse of women and foreign workers
- de facto discrimination against persons with disabilities
- government corruption

RESPECT FOR HUMAN RIGHTS

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

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

On September 18, the Ministry of Justice Police Investigation Department (PID) closed its investigation into the police killings of 13 (12 Israeli-Arab and 1 Palestinian) protesters during October 2000 demonstrations (see section 2.b.) without recommending indictments against any officers. Due to protests by the Israeli-Arab community and NGOs against this decision, as well as the concern that community leaders or the victims’ families would appeal the PID’s decision to the supreme court, the PID and the attorney general decided on September 28 to reexamine the investigation.

The Orr Commission of Inquiry, established in November 2000 to investigate the killings, recommended a number of measures, including a justice ministry investigation to determine if criminal prosecutions should be initiated against police officials found responsible. The government has not implemented either the Orr Commission recommendations or those of a follow-up interministerial committee. In October 2004 the justice minister appointed one of the officers being investigated to a position seen by observers as a promotion. The Legal Center for Arab Minority Rights in Israel (Adalah) charged that this appointment violated the Orr Commission recommendation that this particular officer not be promoted for four years.

On May 2, Adalah appealed the March 6 closure of the investigation into the July 2003 killing by Border Police of Morassi Jibali, an Israeli Arab shot while a pas-

senger in a vehicle. Police and witnesses gave differing accounts of Jibali's death. Adalah's appeal challenged the justice ministry's finding that the shooting was not illegal. At year's end Adalah's appeal remained pending.

In July 2003 a police officer killed an unarmed Bedouin, Nasser Abu al Qia'an, in his car at a road junction. In September the justice ministry filed an indictment against the police officer, who was subsequently tried and found not guilty on the grounds of self-defense. The Mossawa Advocacy Center for Arab Citizens of Israel (Mossawa) appealed the decision, and at year's end the case was pending.

In September 2003 residents of an Arab community, Kfar Qassem, clashed with border police searching for illegal immigrants. The police wounded one Israeli Arab, when, according to police reports, villagers threw stones. On January 10, the attorney general filed an indictment with the Tel Aviv District Court against the border police officers involved. According to the Arab Association for Human Rights (AAHR), during the year the indictments against the border police officers were dismissed due to lack of evidence.

Terrorist organizations such as the Islamic Resistance Movement (Hamas), Al-Aqsa Martyrs' Brigades, Hizballah, Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine, attacked Israelis in Israel. According to government statistics, during the year terrorist attacks killed 29 Israeli civilians and an IDF soldier within the country. Terrorist attacks injured over 430 civilians and over 200 security force personnel during the year. (No breakdown between Israel and the occupied territories was available for those injured.)

Construction of a security barrier (see annex) and effective interdiction contributed to a 60 percent reduction in the number of Israelis killed in terror attacks between 2004 and 2005 and a 30 percent reduction in casualties, according to the government(see annex).

On January 13, Palestinian terrorists killed six Israeli civilians and wounded five others on the Israeli side of the Karni Crossing between Israel and the Gaza Strip. Hamas and the al-Aqsa Martyrs' Brigade claimed responsibility.

On February 25, a Palestinian suicide bomber at the Stage nightclub in Tel Aviv, killed himself and 5 Israeli civilians and wounded approximately 50 persons. Palestinian Islamic Jihad claimed responsibility.

On July 12, a Palestinian suicide bomber at a shopping mall in Netanya killed himself and 5 Israeli civilians and wounded about 90 persons. Palestinian Islamic Jihad claimed responsibility.

On October 26, a Palestinian suicide bomber at a marketplace in Hadera killed himself and 5 Israeli civilians and wounded over 50 others. Palestinian Islamic Jihad claimed responsibility.

On December 5, a Palestinian bomber at a shopping mall in Netanya killed himself and 4 persons and injured at least 50 others. Palestinian Islamic Jihad claimed responsibility.

Palestinian terrorists routinely fired rockets from the Gaza Strip into neighboring Israeli communities. According to the government, the number of Qassam rockets fired at Israeli targets increased during the year to 377, as compared to 309 in 2004. On January 15, a 17-year-old girl in the town of Sderot was wounded by shrapnel from a rocket and died several days later. Her younger brother was wounded. Rocket attacks wounded another five civilians in Sderot on September 24 and 25.

On August 4, Eden Natan-Zada, a member of the illegal right-wing Jewish movement Kach, fired on a bus in the Israeli-Arab town of Shfaram, killing four Israeli Arabs and wounding over a dozen others. Persons who witnessed the attack then killed Zada. On August 7, police arrested three alleged associates of Zada, all of whom were members of Kach, for possible knowledge of or involvement in the shooting. A court order prohibited publication of any information relating to this case.

In August the government decided that families of Zada's victims would not be eligible for compensation under the Terror Law because the attack was not committed by so-called enemy forces. Subsequently, however, under security authority, the defense ministry decided that the government should compensate the victims. At year's end the compensation cases were still pending.

On May 24, the Haifa District Court convicted Alexander Rabinovitch of involvement in several years of terrorist activity against Israeli-Arab residents of that city, including the attempted bomb attack against Knesset member Issam Makhoul in October 2004. At year's end the court had not announced its sentence.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Laws, judicial decisions, and administrative regulations prohibit torture and abuse; however, during the year reputable nongovernmental organizations (NGOs) filed nu-

merous credible complaints with the government alleging that security forces tortured and abused Palestinian detainees. The Public Committee Against Torture in Israel (PCATI) filed complaints with the government on behalf of alleged victims of torture, which, PCATI reported, were almost all Palestinian security detainees and prisoners at detention facilities in Israel. For example, on March 10, PCATI petitioned the supreme court on behalf of a Palestinian resident of the West Bank city of Tulkarm. The petition asked the court to order the government to cease immediately illegal means of interrogation, including tightening of manacles, painful positioning, sleep deprivation, beatings, threats, and insults. During court proceedings the detainee was released.

In August PCATI notified the Israel Prison Service (IPS) and the Israel Security Agency (ISA) about treatment of a Palestinian resident of Tulkarm held as of April 22 in the Kishon Detention Center. The detainee alleged he was subjected to painful positioning, beatings, long periods of interrogation, threats, and food and sleep deprivation. PCATI reported that the complainant suffered severe back pains and paralysis in his left leg from the abuse. At year's end PCATI's petitions with the ISA and the IPS were pending.

On December 20, the Tel Aviv District Court rejected the state's petition to dismiss a lawsuit filed by Lebanese citizen Mustafa Dirani, who charged that Israeli security forces tortured and raped him during interrogations between 1994 to 2004 in order to obtain information on the whereabouts of Israeli Air Force navigator Lieutenant Colonel Ron Arad. According to media reports, an IDF doctor who had examined Dirani found evidence to support Dirani's claim. At year's end the case was pending. (Allegations by Palestinian detainees of torture by Israeli security officials are discussed in the annex to this report.)

PCATI stated that no ISA officials had been tried on torture charges during the past four years. PCATI claimed that the government took insufficient action to reprimand ISA interrogators against whom PCATI filed complaints.

During the year the courts convicted border police officers for abuse of Palestinians. On January 13, an Israeli court convicted three former border police officers who had confessed to assaulting eight Palestinians in 2004 from the West Bank village of Yatta. The three policemen admitted beating the Palestinians and stealing their money. On April 5, the Jerusalem District Court sentenced 3 border policemen to prison terms of 6 to 10 months for assaulting 2 Palestinian teenagers in April 2004 near the Israeli town of Abu Ghosh. The court convicted the officers of beating and abusing the Palestinian youths. On July 7, the Tel Aviv District Court sentenced 3 border policemen to 10-month jail terms for abusing and robbing 8 Palestinians in the Israeli city of Lod in July 2004.

Physicians for Human Rights reported that there were no further developments in Israel's investigation into cases of abuse of prisoners in Sharon prison in 2004; there were no further reports of abuse at that prison.

In May 2004 a government official who worked as an inspector at deportation hearings secretly recorded a senior immigration police officer stating that immigration police used excessive force when detaining foreign workers but did not indicate the extent of the abuse. Following this incident the inspector filed a complaint with his superiors about this reported abuse. When the inspector saw that his complaint was not being handled, he wrote letters to the interior ministry, the state comptroller, and other government officials. Shortly after sending the letters, the inspector was dismissed. He contested his dismissal and sued the interior ministry in labor court. On June 22, the court accepted his claim and awarded compensation in the sum of 2 months wages plus approximately \$6 thousand (approximately 28,300 NIS), and \$1 thousand (approximately 4,700 NIS) in legal expenses. Subsequently, the immigration police officer confirmed the statement that the inspector recorded; however, the Immigration Police spokesperson disputed its veracity. At year's end a Knesset Committee on Foreign Workers continued to monitor excessive force by immigration police when detaining foreign workers.

The Hotline for Migrant Workers (Hotline), an NGO foreign workers advocacy group, helped 10 foreign workers during the year to file complaints with the PID accusing police officers of excessive violence during apprehension. The Hotline reported that foreign workers usually decided not to file complaints or to testify due to fear of prolonged detention while their cases were under investigation.

Prison and Detention Center Conditions.—Conditions in IPS facilities, which house common law criminals and convicted security prisoners (primarily Palestinians), and in IDF military incarceration camps, which hold convicted Palestinian security prisoners, generally met international standards. The International Committee of the Red Cross (ICRC) had access to these facilities. In June 2003 the supreme court issued a permanent injunction mandating that every detainee be provided a bed by June 2004. On May 26, in response to a 2004 petition, the high court

issued a show-cause order instructing the government to explain why it had not provided a bed for every prison inmate. On September 18, the Israeli Bar Association (IBA) charged that poor jail conditions led inmates to commit suicide.

On January 27, a prisoner died and five were injured at the Megiddo military detention camp when a tent housing the prisoners caught fire. Some prisoners charged the prison authorities with neglecting to repair faulty electrical wires that they said caused the fire. A reputable international organization found the fire to be accidental.

The law provides detainees the right to live in conditions that do not harm their health or dignity. Police detention and interrogation facilities for Palestinian detainees were overcrowded and had austere conditions. Conditions and treatment at the Russian Compound interrogation center in Jerusalem remained harsh. A Physicians for Human Rights in Israel (PHR) representative reported in September that the justice ministry sent them a letter in December 2003 stating that “banana” positioning (prisoner’s hands and feet handcuffed together behind the back) was no longer used; however, the PHR representative noted that PHR could not verify this claim. PHR reported that during the year, security forces more frequently relied on psychological rather than strictly physical forms of abuse, including threats of house demolition or questioning prisoners’ elderly parents, and kept prisoners in harsh conditions, including solitary confinement, for long periods. A reputable international organization reported that it received information that doctors examined prisoners to determine whether the prisoners could withstand further interrogation. The organization reported it intervened with the government about this practice, but at year’s end it had received no response.

While Israeli citizen prisoners 17 years and younger were separated from adult prisoners, Palestinian prisoners 16 years and older were treated and housed as adults. The ICRC reported that, as of the end of December, the government held 460 Palestinians age 15 or younger, the youngest 11 years old. The ICRC also reported that most Palestinian security detainees ages 15 and younger were held in Hasharon minors’ prison. According to a reputable international organization, minors held in Hasharon prison had limited access to education and were held in conditions similar to those of adult jails. Conditions in detention facilities were more provisional; no organized education was provided. According to a reputable international organization, conditions in the minors’ facility improved since a new prison warden was appointed in 2004.

The ICRC regularly monitored IPS facilities, as well as IDF security prisoner and detention facilities; it did not monitor the secret detention facility. Pursuant to a 1979 ICRC-Israel agreement, it could not visit interrogation facilities but could meet in designated areas of these units detainees who had been interrogated.

The government permitted some NGOs to monitor prison or detention facilities. In addition NGOs can send lawyers and representatives to meet prisoners in those facilities. PHR was allowed to inspect police detention facilities and make several inspection tours per year but was not given comparable access to IPS facilities. The IBA and public defenders were permitted to inspect IPS facilities. The IBA has agreements with the government allowing selected lawyers to inspect prison, detention, and IDF facilities within the country.

In December 2004 in response to a petition by the Center for the Defense of the Individual (HaMoked) to compel the government to release information on a secret IDF detention facility, the supreme court gave the government 60 days to respond to its undisclosed suggestions related to the secret facility. The court ruled that the government must inform the court should any detainee be imprisoned in that facility. According to HaMoked in August the deputy state attorney announced it would create a system to reduce the use of the secret facility considerably. HaMoked repeated its objection to the use of the facility and asked the court to continue proceedings on its petition. HaMoked reported that the court scheduled another hearing for January 2006.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for citizens. Palestinian security internees fell under the jurisdiction of military law even if detained in Israel (see annex). Non-Israeli former Syrian residents of the Golan Heights are subject to the same laws as apply to Israeli citizens.

An arrested person is considered innocent until proven guilty, has the right to habeas corpus, to remain silent, to be represented by an attorney, to contact his family without delay, and to a fair trial. A bail system exists for Israelis and Palestinians; decisions denying bail can be appealed. As a general practice, according to the NGO B’Tselem, Palestinians detained for security violations were not granted bail. A citizen may be held without charge for 24 hours before being brought before a judge (48 hours for administrative detainees). If the detainee is suspected of committing

a “security offense,” the basis on which most Palestinians are detained, the police and courts can delay notifying legal counsel for up to 31 days.

The government may withhold evidence from defense lawyers on security grounds; however, the evidence must be made available to the court. In March 2004 the Public Defender’s Office charged that the police sometimes failed to inform detainees of their legal rights and did not always provide counsel. As a result the Public Defender’s Office estimated that “in recent years” approximately 500 persons were deprived of due process rights.

Role of the Police and Security Apparatus.—The ISA (or Shin Bet), under the authority of the prime minister, combats terrorism and espionage in the country and the occupied territories. The National Police, including the Border Police and the Immigration Police, is under the authority of the minister of internal security. A bureau in the justice ministry reviews complaints against police officers and may impose disciplinary charges or recommend indictments against officers. During 2004 several judges criticized the bureau for launching faulty investigations against police officers who were subsequently acquitted.

The National Police were generally effective, but, according to the Movement for Quality in Government, lacked sufficient resources, particularly personnel and notably qualified personnel to address government corruption. Police corruption was generally not a problem. The police utilized training programs. For example, in November the Police Training Department issued a special freedom of speech training kit to help police officers differentiate between protected free speech and unlawful incitement.

Arrest and Detention.—The law provides that foreign nationals detained for suspected violations of immigration law be afforded an immigration hearing within four days of detention. They have the right to, but no guarantee of, legal representation. According to the NGO Hotline, appropriate interpreters were not always present at the hearings, despite a 2002 commitment to provide them. The Hotline received complaints from Israeli attorneys of denial of access to foreign national clients. According to the Association for Civil Rights in Israel (ACRI), voluntary organizations must obtain a power of attorney from the individual they seek to represent before being permitted to work with him. Attorneys now can meet at Ben Gurion Airport with clients denied admission to the country and awaiting deportation, if the clients have passed a security check. According to Hotline, foreign detainees were rarely released pending judicial determination of their status. Moreover, if the detainee’s country of origin had no diplomatic or consular representation, detention could last months. According to Hotline, the police detained and deported legal foreign workers to meet quotas to reduce the foreign worker population. The Hotline reported that Immigration Police often detained properly documented asylum seekers, despite their being under the protection of the office of the UN High Commissioner for Refugees (UNHCR).

Foreign embassies frequently received belated notification, or none at all, of their citizens’ arrests, especially in the cases of foreign nationals alleged to have committed security-related offenses. In some cases foreign consulates waited for weeks to gain consular access to prisoners.

Pursuant to the 1979 Emergency Powers Law, the defense ministry may detain persons without charge or trial for up to six months, renewable indefinitely subject to district court review. Such detainees are permitted legal representation, but the court may rely on confidential information denied to detainees and their lawyers. Detainees can appeal their cases to the supreme court.

The Illegal Combatant Law allows the IDF to detain persons suspected of “taking part in hostile activity against Israel, directly or indirectly” or who “belong to a force engaged in hostile activity against the State of Israel.” Under this law persons may be held for up to 14 days without access to an attorney. In the past human rights groups alleged abuse of administrative security detention orders and claimed such orders were used even when the accused posed no clear danger.

In August ACRI petitioned the administrator of the high court to bar the government’s use of special courts established in the country’s Negev region to hear cases of individuals arrested for protesting government policies and actions, including those arrested in the withdrawal from settlements in the Gaza Strip and from the northern West Bank. ACRI argued that these courts heard approximately 60 police remand requests at a time, and that judges could not properly prepare for the cases. ACRI also charged that such arrestees did not have the opportunity to meet with their attorneys. ACRI reported that the court agreed in August to limit the use of such courts to emergency situations and did so.

On December 22, the Tel Aviv District Court approved a plea bargain convicting Israeli citizen Tali Fahima of relaying information to the enemy, contacting a for-

eign agent, and breaching a legal order. The court sentenced her to 3 years in jail, but with time served Fahima could be released in 11 months. The state dropped the most serious charge of aiding an enemy in time of war. The defense ministry had placed Fahima under administrative detention between September and December 2004 based on confidential evidence that she was involved in terrorist activity. The supreme court denied Fahima's appeal in November 2004. In December 2004 the Tel Aviv Magistrate's Court indicted her for assisting the enemy during wartime and passing information to the enemy.

In January 2004 the government released Mustafa Dirani, head of security for the Amal militia; Sheikh Obeid, a Lebanese cleric; and approximately 25 other Lebanese prisoners held as enemy combatants, in return for release of Elchanan Tanenbaum, a kidnapped Israeli held by the Hizballah terrorist group in Lebanon, and the remains of three IDF soldiers kidnapped to Lebanon in 2000. On September 8, the high court declined to rule on an appeal submitted by the attorney for Obeid and Dirani challenging the Illegal Combatants Law. The court noted the appeal was moot since both appellants had been released and repatriated to Lebanon.

The government reported that it had detained Hassin Makded in secret facility "1391" for over 18 months under "extraordinary circumstances and exceptional grounds." He was subsequently released. The government did not identify the period during which he was detained. The supreme court continued to consider a petition challenging the legality of this secret facility (see section 1.c.).

According to a reputable international organization, at year's end, 3 Lebanese nationals and 61 Jordanian nationals remain detained, most of them on security charges.

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

The Judicial Branch is organized into three levels: magistrate courts; six district courts; and the supreme or high court. District courts prosecute felonies, and magistrate courts prosecute misdemeanors. There are military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The high court is both a court of first instance and acts as an appellate court when it sits as the supreme court. Religious courts, representing the main recognized religious groups, including Christian communities, have jurisdiction over matters of personal status for their adherents (see section 2.c.).

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The country's criminal justice system is adversarial, and professional judges decide all cases.

Nonsecurity trials are public except when, in the opinion of the court, the interests of the parties are determined to be best served by privacy. Security or military trials are open to independent observers at the discretion of the court, but not to the general public. The law provides for a hearing with legal representation, and authorities generally observed this right in practice. In cases of serious felonies—crimes subject to penalties of 10 years or more—indigent defendants receive mandatory legal representation. Indigent defendants facing lesser sentences are provided representation on a discretionary basis. Counsel represented approximately 70 percent of defendants.

The 1970 evidentiary rules governing trials under military law of Palestinians and others applicable in the occupied territories are the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions; however, according to PCATI, in practice security prisoners have been sentenced on the basis of their coerced confessions, those of others, or both. Counsel may assist the accused in such trials, and a judge may assign counsel to those defendants. Indigent detainees do not automatically receive free legal counsel for military trials. The defendant and the public receive the charges in Hebrew, and the court can order an Arabic translation. Military and criminal court sentencing procedures were consistent. Defendants in military trials can appeal through the Military High Court and also petition the civilian high court in cases in which they believe there were procedural or evidentiary irregularities.

There are also custodial courts and four deportation courts to address the removal of illegal immigrants. In May 2004 the custodial courts were placed under the jurisdiction of the justice ministry. These courts handle thousands of cases annually.

In May 2004 after arresting new suspects, police released three Israeli Arabs who had been jailed for 10 months charged in the July 2003 killing of IDF corporal Oleg Shaigat. One of those released asserted that his confession was coerced. According to the government, during the year the state attorney investigated the matter, adjusted operational practices, and established a joint team to implement the new practices.

Since the May 2003 arrest of Sheikh Raed Salah, the Arab-Israeli former mayor of Umm al-Fahm, human rights NGOs have claimed that he was unfairly denied bail despite his status and community ties; however, in January Salah pleaded guilty to transferring funds to illegal organizations and giving information to a foreign agent. Subsequently, the government dropped its most serious charges, including that he channeled money to a terrorist organization. The Haifa court sentenced Salah to three and a half years in prison and, pursuant to the plea bargain, released him on July 16, six months after sentencing. Salah also received a three-year suspended sentence to be imposed if he again commits any of the offenses for which he was convicted. He also was prohibited from entering Jerusalem without police permission for four months.

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

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Laws and regulations provide for protection of privacy of the individual and the home. In criminal cases the law permits wiretapping under court order; in security cases the defense ministry must issue the order. Under emergency regulations authorities may open and destroy mail based on security considerations.

In May 2004 the high court banned the unsupervised electronic flow to public bodies and banks of data on private citizens maintained by the government's population registry.

Separate religious court systems adjudicate personal status matters, such as marriage and divorce, for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services. Jews and members of other religious communities who wish to have civil marriages; Jews who wish to marry according to Reform or Conservative Judaism; those not recognized by Orthodox authorities as being Jewish; and those marrying someone from another faith, must marry abroad to gain government recognition. While government-recognized civil marriages are available in Cyprus, this requirement presents a hardship.

On July 27, the Knesset extended until March 2006 the 2003 law that prohibits citizens' Palestinian spouses from the occupied territories from residing in the country; however, it amended the law so that Palestinian men aged 35 and older and women aged 25 and older are eligible to apply for citizenship through family unification (see section 5). Civil rights groups criticized the amended law for continuing to deny citizenship and residency status to spouses of Israeli Arabs, who constitute the majority of those who marry Palestinians from the occupied territories. At year's end the supreme court was considering petitions by NGOs, including Adalah, that challenged the law, as well as its amendments.

The authority to grant status to the non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the minister of the interior. An ACRI report indicated that the ministry refused to register children in the population registry born to an Israeli father and foreign national mother.

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 subject to restrictions concerning security issues. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations.

Nuclear whistleblower Mordechai Vanunu, released in April 2004 after serving 18 years in prison for treason and espionage, continued to be subjected to detailed restrictions on speech and movement (see section 2.d.). As a condition for release, he was prohibited from meeting with members of the foreign press unless granted permission by the government. Vanunu reportedly openly violated this prohibition during the year. According to his attorney, aside from his petition with the supreme court demanding the annulment of the restrictions on movement and association, Vanunu was challenging indictments for having met on several occasions since his release with foreign nationals and the foreign press and for traveling to the West Bank. At year's end these proceedings were ongoing.

In November 2001 Arab Knesset Member Azmi Bishara was indicted, after the Knesset lifted his immunity, for making allegedly pro-Hizballah statements in 2000 in Syria and later in the Israeli-Arab city of Umm al-Fahm. In November 2004 the supreme court denied a petition to dismiss the charges. On July 31, the supreme court heard arguments on lifting Bishara's parliamentary immunity. At year's end the case was still pending.

On December 15, the attorney general announced a police investigation into allegations that Israeli-Arab Knesset member Taleb el-Sana traveled to Syria, which is considered an "enemy country," on November 8. Travel to an enemy country without

first obtaining interior ministry permission violated ministry regulation. El-Sana allegedly traveled to Syria after the ministry denied his request.

In August 2004 the supreme court ruled that the Government Press Office (GPO) could not, as a blanket policy, refuse press credentials to Palestinians from the occupied territories seeking to report official events in Israel. The court said a blanket policy did not properly balance freedom of the press and national security. In July the IDF confiscated the GPO credentials of Yishai Carmeli-Polak, an Israeli journalist and director of documentary films. Carmeli-Polak has produced documentaries about demonstrations against the separation barrier in the West Bank village of Bil'in. The government returned the credentials in August after civil rights and media organizations protested.

The country has 12 daily newspapers, 90 weekly newspapers, more than 250 periodical publications, and a number of Internet news sites. All newspapers in the country were privately owned and managed. According to the Journalism Ordinance, anyone wishing to publish a newspaper must apply for a license from the locality where the newspaper will be published. The ordinance also allows the minister of interior, under certain conditions, to close a newspaper. In November 2004 the high court heard a petition filed by ACRI challenging the ordinance. ACRI withdrew its petition after the interior ministry pledged to prepare legislation effectively canceling the ordinance. At year's end legislation had not been enacted.

The quasi-independent Israel Broadcast Authority controls television Channel 1 and Kol Israel (Voice of Israel) radio; both are major sources of news and information. The Second Television and Radio Authority, a public body, supervises the 2 privately owned commercial television channels and 14 privately owned radio stations. On February 2, the authority prohibited advertisements for the so-called Geneva Accords in which Palestinian public figures told Israelis, among other points, "You have a partner for a peace agreement." The authority claimed that its regulations on television commercial ethics prohibited it from airing commercials on "controversial issues." Three cable and one satellite television companies carry both international networks and shows produced for the domestic audience.

The law authorizes the government to censor on national security grounds any material reported from the country or the occupied territories regarded as sensitive. An agreement between the government and media representatives provides for military censorship only in cases involving issues that the armed forces believe could likely harm the country's security interests. Media organizations may appeal the censor's decision to the high court, and they cannot be closed by the military censor for censorship violations. The military censor cannot appeal a court judgment. Foreign journalists must agree to submit sensitive articles and photographs to the military censor. In practice they rarely complied; however, the censor generally reviewed such material after the fact. On March 23, the major daily *Ha'aretz* published an apology for not submitting to the censor two December 2004 articles on military high technology sales to China. Channel 2 was called to a tribunal on the same issue and forced to apologize. In March the BBC also apologized to the government for ignoring a requirement to submit for censorship review an interview with Mordechai Vanunu when the government refused to renew the visa of the BBC Jerusalem deputy bureau chief without an apology.

News printed or broadcast abroad may be reported without censorship. There were no recent reports that the government fined newspapers for violating censorship regulations.

The government generally respected academic freedom and access to the Internet. In September 2004 Adalah petitioned the high court to prohibit ISA intervention in the appointment of educators in the Ministry of Education (MOE) Arab Education Division. On July 22, according to Adalah the government informed the high court that it would abolish the MOE ISA position for vetting Arab school teachers and administrators. On August 8, Adalah formally asked the MOE whether ISA officials served in the MOE in any capacity. According to Adalah as of year's end, the ministry had not responded.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Throughout July the government, citing security concerns, prevented thousands of demonstrators from rallying close to the Gaza Strip to protest the government's decision to withdraw from Gaza and four settlements in the West Bank.

On December 15, Adalah filed complaints with the PID against border policemen for allegedly using excessive force against a demonstration in the Bedouin community of Al-Mashash on November 15. The demonstration and ensuing police raid were prompted when government officials arrived in the Negev village to deliver

demolition orders for illegally constructed buildings. According to Adalah, 12 protesters, including a pregnant woman, were injured during the clashes.

Freedom of Association.—The law provides for the right of association, and the government generally respected this provision in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. The Basic Law and Declaration of Independence recognize the country as a “Jewish and democratic state,” establishing Judaism as the country’s dominant religion. Government allocations of state resources favor Orthodox Jewish institutions.

The law confers recognition on some religious communities, granting them legal authority over their members in personal status matters, such as marriage and divorce. These communities include: Eastern Orthodox; Latin (Roman Catholic); Gregorian-Armenian; Armenian-Catholic; Syrian (Catholic); Chaldean (Uniate); Greek Catholic Melkite; Maronite; Syrian Orthodox; and Orthodox Jewish. Since the founding of the country, the government has recognized three additional religious communities—the Druze in 1957, the Evangelical Episcopal Church in 1970, and the Baha’i Faith in 1971. The government has defined the status of several other Christian denominations by means of individual arrangements with government agencies. According to the government, there were no religious denominations awaiting recognition during the year.

Several religious communities are not recognized, including Protestant groups; however, unrecognized communities may practice their religion freely and maintain communal institutions, but were ineligible to receive government funding for religious services.

According to government figures, during the year the budget for religious services and religious structures for the Jewish population was approximately \$260 million (1.19 billion NIS). Religious minorities, which comprised approximately 20 percent of the population, received about \$13 million (61 million NIS), or 5 percent of total funding. At least \$209 million (960 million NIS) of the budget for Jewish religious services and education went toward Orthodox services, rabbis’ salaries, and education.

The fact that the government does not explicitly codify recognition of a Muslim community is a vestige of the Ottoman period, when Islam was the dominant religion. Lack of codified recognition did not affect the religious rights of Muslims. Legislation enacted in 1961 afforded Muslim courts exclusive jurisdiction in matters of personal status concerning Muslims. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Muslims also can bring alimony and property division matters associated with divorce to civil courts.

Under the Law of Return, the government grants citizenship and residence rights to Jewish immigrants and their immediate family members. On March 31, the high court ruled that, for the purpose of conferring citizenship rights, the government must recognize non-Orthodox conversions of noncitizen legal residents that were begun in Israel but formalized abroad by acknowledged Jewish religious authorities, even if not Orthodox. In May 2004 the high court held that non-Jews who immigrate to the country and convert according to Orthodox requirements can become citizens under the Law of Return. The court let stand the state’s practice of not recognizing conversions to Judaism performed within the country by non-Orthodox rabbis. On November 29, the Israel Religious Action Center challenged this practice in court. The case was pending at year’s end.

In December 2004 ACRI released a report charging that the interior ministry’s population authority sought to prevent non-Jews—particularly spouses of Israeli citizens—from obtaining resident status. ACRI charged that the interior ministry’s population registry subjected non-Jewish spouses and non-Jewish adopted children of Jewish immigrants to unfair and at times arbitrary requirements for residency. Most cases involved persons who immigrated under the Law of Return from the former Soviet republics and their non-Jewish spouses and non-Jewish adopted children. In August 2004 the interior minister acknowledged the problems and changed selected policies. On April 4, Prime Minister Sharon established an interministerial committee to draft legislation outlining guidelines by which foreigners might become citizens. At year’s end the interministerial committee had not taken action. According to the May 11 edition of the daily *Ha’aretz*, “There is broad agreement in the government and academia that the policy must be strict and make it difficult for non-Jews to obtain citizenship in Israel.”

Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 300 thousand citizens who immigrated either as Jews or as family members of Jews are not considered Jewish by the Orthodox Rabbinate.

They cannot be married, divorced, or buried in Jewish cemeteries within the country. Jews who wish to marry in Reform, Conservative, or secular ceremonies must do so abroad. According to Central Bureau of Statistics figures released in March, over seven thousand citizens married abroad in 2002. In April the high court instructed the government to inform it within three months of its position on recognizing marriages performed by officials of foreign embassies in the country; however, at year's end the government had not responded. A 1996 law requiring the government to establish civil cemeteries has not been implemented adequately.

Non-Orthodox Jews faced greater difficulties than Orthodox Jews in adopting children. In December 2004 upon petition of the Israeli Religious Action Center, the high court ordered the government to justify the practice under which the Adoption Service of the social affairs ministry placed non-Jewish children only in Orthodox Jewish homes. At year's end the case remained pending.

Muslim groups complained that the government does not equitably fund the construction and upkeep of Muslim holy sites in comparison to that of Jewish Orthodox sites. They also charged that the government was reluctant to refurbish mosques where there was no longer a Muslim population and allowed mosques to be used for nonreligious purposes.

The 1967 Protection of Holy Sites Law protects all holy sites, but the government has issued implementing regulations only for Jewish sites. In November 2004 Adalah petitioned the supreme court to compel the government to issue regulations to protect Muslim sites; it charged that the government's failure to implement regulations had resulted in desecration and conversion of individual sites. The court accepted the petition and ordered the government to respond by January 1, 2006.

AAHR reported in December 2004 that some 250 non-Jewish places of worship were destroyed during or since the 1948 war or made inaccessible to Israeli Arabs. For example, AAHR reported that in June highway construction desecrated an Islamic cemetery located near the Israeli-Arab village of Fardis. AAHR subsequently reported that following a meeting between Fardis community residents and the highway planners, construction was halted to avoid continued damage to the cemetery.

According to representatives of Christian institutions, visa issuance rates for Christian religious workers significantly improved from rates in previous years. The interior ministry's Christian Department reported that it had approved most of the three thousand applications made by clergy during the year.

The Knesset has not ratified the Fundamental Agreement establishing relations between the Holy See and Israel negotiated in 1993. Representatives of the government and the Holy See met several times during the year seeking to reach an agreement on tax, economic, and legal matters. The negotiations addressed the continuation of tax exemptions for Roman Catholic institutions and property (churches, monasteries, convents, educational, and social welfare organizations) and the access of the institutions to Israeli courts. Under current Israeli law, property disputes involving religious institutions are handled by the executive branch of the government. At year's end negotiations continued.

During the year there were reports that airport immigration officials denied entry to non-Jews with mutilated or expired passports; however, officials permitted Jews with damaged or expired travel documents to enter.

On July 7, the Messianic congregation in Arad published a letter in *Iton HaTzvi* that reported harassment by members of an ultra-Orthodox community. On September 12, the high court heard a petition by ultra-Orthodox Jews seeking the right to demonstrate at the house of a family of Messianic Jews and reversal of a police decision prohibiting such a demonstration. At year's end there was no further information on a court ruling. According to Messianic Jews resident there, since April 2004 the Gur Hassidim have demonstrated regularly in front of the homes of Christians and Messianic Jews in Arad to protest alleged proselytizing by this group.

On December 24, a foreign observer reported that a group of approximately 200 ultra-Orthodox Jews disrupted the religious service of a Messianic congregation in Be'er Sheva. According to the account, the group pushed and slapped the congregation's pastor and damaged property. The mob harassed members of the congregation attempting to escape, surrounding their vehicle and trying to overturn it. Police dispersed the mob, allowing congregation members to escape. On December 26, the foreign observer filed a report with the Be'er Sheva police.

Missionaries were allowed to proselytize, although the Church of Jesus Christ of Latter-day Saints voluntarily refrained from doing so under a longstanding agreement with the government.

Societal Abuses and Discrimination.—Between February 10 and 12, Druze rioters damaged or burned dozens of Christian businesses, homes, and cars in the northern village of Mughar after a Druze falsely claimed that Christian youths placed porno-

graphic pictures of Druze girls on the Internet. The rioters also damaged a Melkite Catholic church. At least a dozen persons were reported injured; many Christians fled Mughar and refused to allow their children to return to school for weeks. Druze religious leaders denounced the riots, and Christian community representatives criticized the government for not responding more quickly. In June the government announced the allocation of \$2 million (9.2 million NIS) in state funds to compensate residents for property damaged during the riots. At year's end according to legal representatives of the families, no compensation had been distributed. On September 29, the PID decided not to try four police officers for failing to prevent the attacks and closed the cases against them.

During police and ISA operations in April and May, police arrested and released nine Israeli Jews on suspicion of planning attacks on mosques on the Temple Mount in Jerusalem. The police did not press charges.

On September 5, a young religious Jew spat at Greek Orthodox priests in Jerusalem. The perpetrator was arrested, fined, and banned from the Old City of Jerusalem for 30 days. Incidents occurred in which ultra-Orthodox Jews threw rocks at motorists to protest their driving on the Sabbath.

On August 19, police arrested Shimon Ben Haim and Victoria Shteinman for desecrating a Muslim holy site by throwing a pig's head, wrapped in a Keffiyeh with "Mohammed" written on it, into the courtyard of a mosque near Tel Aviv. On September 4, Ben Haim was indicted for insulting a religion and Shteinman as his accomplice. A Tel Aviv court released both on bail pending trial; however, at year's end the trial had not begun.

Neo-Nazi graffiti were sprayed on monuments and gravesites of several well-known Israeli historical figures. In May swastikas and graffiti comparing Prime Minister Sharon to Adolf Hitler were sprayed on the road into the Yad Vashem Holocaust museum. In June police began investigating two IDF soldiers caught participating in neo-Nazi ceremonies.

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 citizens. (See annex for discussion of restrictions on movement within the occupied territories, between the territories and Israel, and the construction of a security barrier.)

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and no administrative restrictions. The government may bar citizens from leaving the country based on security considerations.

Pursuant to the terms of his release after having served 18 years in prison on espionage and treason charges (see section 2. a.), Mordechai Vanunu continued to be prohibited from obtaining a passport, traveling outside Israel, going within 500 meters of airports and overland border crossings, and entering any foreign diplomatic offices. On April 19, the interior minister extended these prohibitions for another year. In May the Jerusalem District Court ruled that Vanunu could travel to the West Bank since such travel did not entail going abroad. On November 18, police arrested Vanunu at a Jerusalem checkpoint after he returned from a Jerusalem suburb; police reportedly claimed that he violated his restrictions. At year's end Vanunu's case continued.

Throughout July police, citing security concerns, barred demonstrators opposed to the evacuation of settlements from traveling to rallies in the Gaza Strip. Several local civil rights NGOs criticized the government for impeding citizens' rights to travel and to assemble.

In May 2003 Sheikh Raed Salah, leader of the Northern Branch of Israel's Islamic Movement, was arrested for allegedly providing funds to terrorist groups (see section 1.e.). In February Salah accepted a plea bargain which dropped several charges; he received credit for time served and was released in July. As a condition of release, he was prohibited from entering Jerusalem without police permission for four months.

Citizens, including dual nationals, must enter and leave the country using their Israeli passports only. In addition no citizen is permitted to travel to countries officially at war with Israel without government permission.

The 2003 Citizenship and Entry into Israel Law bars Palestinians from the occupied territories from acquiring residence or citizenship rights through marriage to Israelis or to Palestinian residents of Jerusalem. In July the Knesset extended the law until March 2006 and amended it so that Palestinian men aged 35 and older and women aged 25 and older were eligible for Israeli citizenship through family unification. Advocacy groups claimed that, despite the amendment, the law discriminated against Arab citizens and residents (see section 5).

The law prohibits forced exile of citizens, and the government generally respected this prohibition in practice. In May the media reported that police advised Sheikh Kamel Khatib, deputy chairman of the Islamic Movement's Northern Branch, that his participation in a London conference on the Palestinian right of return would be illegal, since agents hostile to Israel allegedly organized the conference. Khatib did not attend the conference. According to the media, Khatib said that police told him that he would be subjected to detention or an unspecified harsher measure upon his return.

Protection of Refugees.—The government provides refugees the protections available under the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and had established a system whereby persons can apply for refugee status. Palestinians were considered to be protected by the UN Relief and Works Agency for Palestine Refugees and, therefore, not eligible for refugee status.

The government cooperated with the Office of the UNHCR and other humanitarian organizations in assisting Jewish refugees. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and its 1967 protocol. The government provided temporary humanitarian protection to persons from “conflict countries” in Africa.

The UNHCR referred eligible refugee applicants to the National Status Granting Body (NSGB), and the interior ministry made final adjudication. The Tel Aviv University Refugee Rights Clinic charged that the NSGB's procedures were not transparent, that the NSGB did not publish data on its activities, and that applicants denied status often were not given a reason.

The government did not return those denied refugee status to their home countries against their will, and they reportedly could remain in detention facilities for months. For asylum seekers from countries with which Israel was at war, the government attempted to find a third country to accept them. The government provided asylum seekers with temporary work permits but not social benefits. Persons granted refugee status received renewable temporary visas.

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 is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Israeli Arabs, regularly win Knesset seats. The Likud Party led by Ariel Sharon won a plurality of Knesset seats in January 2003; Sharon formed a government in which he became prime minister. On November 21, Sharon requested the president to dissolve the Knesset, citing difficulties in maintaining a governing majority, and announced that he was leaving the Likud Party. On November 24, Sharon established a new party, *Kadima* (“move forward”). The president set elections for March 28, 2006. On December 29, pursuant to presidential decree, the Knesset was dissolved.

The Basic Law prohibits the candidacy of any party or individual that denies either the existence of the State of Israel as the state of the Jewish people or the democratic character of the state, or that incites racism.

In May 2004 the Knesset amended the law to require that a party obtain 2 percent rather than 1.5 percent of the vote to win Knesset seats. Israeli-Arab leaders criticized the amendment and claimed that it would adversely affect smaller parties, such as those representing the Israeli-Arab community.

The 120-member Knesset has 18 women members. The 20-member cabinet included 3 women until November, when the Labor Party resigned from the government, taking 1 woman minister. Six women sit on the 14-member high court. The Knesset included 11 Arabs and 2 Druze. Most of the 11 Arabs represented parties supported largely or entirely by the Arab community. In March 2004 for the first time since the establishment of the state, an Arab Christian was appointed as a permanent justice to the high court. No Muslim or Druze citizens have served on the court.

On July 20, the government amended the 1956 Equal Representation of Women law to mandate the inclusion of women in government-appointed teams for peace negotiations and for setting domestic, foreign, and security policy.

In March 2004 the state comptroller discovered 2,298 citizens who, if alive, would have been age 110 or over, but appeared on the electoral rolls, and some were identified as having recently voted. The comptroller recommended an investigation. The government established an interministerial committee to prepare a computerized procedure to avoid future problems. In addition, following the government's cross-

reference of names between ministerial databases, some 9 thousand residents over 100 years old were declared dead by the Population Registry.

Government Corruption and Transparency.—Corruption was considered a problem by many Israelis.

In July the Knesset established the Parliamentary Investigation Committee to Uncover Corruption in the Governing System but disbanded it in December to avoid politicizing the committee prior to the March 28, 2006, elections.

The Labor Party continued to investigate allegations that, during the party's May membership drive, party activists forged voter registration forms. In November the party voided thousands of questionable signatures and deleted them from the voter registration list.

The attorney general continued to review Prime Minister Ariel Sharon's connections to the "Cyril Kern Affair," in which Kern allegedly acted as a conduit for or source of illegal funding that Sharon used to refund earlier illegally obtained campaign contributions. At year's end the case was still under investigation. On November 16, Omri Sharon, Prime Minister Sharon's son and a member of the Knesset, pleaded guilty to lying under oath and falsifying company financial records to conceal illegally raised funds in conjunction with his father's 1999 campaign in the Likud party primaries.

In July 2004 the prime minister dismissed Minister of Infrastructure and Knesset Member Josef Paritzky from the cabinet after Channel 1 Television broadcast a tape of Paritzky allegedly plotting with a private detective to defame a party rival. On January 17, the state attorney closed the case against Paritzky. He found no legal basis for criminal charges but harshly criticized Paritzky's behavior. Paritzky continued to serve in the Knesset.

In September 2004 Knesset Member Tzachi Hanegbi was suspended from his post as minister of public security pending a criminal investigation into allegations of inappropriate political appointments while serving as environment minister from 2001–03. On December 7, the police recommended that the attorney general indict Hanegbi for irregular political appointments. At year's end Hanegbi continued to serve as minister-without-portfolio while the attorney general continued to consider the case.

The law affords the public access to government information, and citizens could petition for such access. According to the ACRI and the Movement for Quality in Government (MQG), an NGO that investigates corruption and nontransparency issues, the government does not effectively implement its freedom of information act. The MQG charged that it had difficulty obtaining information from the government, notably on the budget and privatization.

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

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

NGOs must register with the government by submitting an application and paying approximately \$20 (85 NIS). They operated under the laws covering nonprofit organizations. Registered NGOs received state funding as a matter of government policy. Israeli Arab NGOs have complained in recent years of difficulties in registering and receiving state funding.

In 2003 the foreign affairs ministry established a liaison unit to develop and maintain relations with international and domestic NGOs, assist domestic NGOs to participate in UN and other international forums, and facilitate visits to the country by international NGO representatives.

During the year the interior ministry, operating under a 2002 order, barred entry to all foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations.

(See annex regarding NGOs in the occupied territories.)

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

The law prohibits discrimination on the basis of race, gender, marital status, political beliefs, or age. These laws sometimes were not enforced, either due to institutionalized discrimination or to lack of resources. On September 7, then interior minister Ophir Pines-Paz termed the country's policy toward its Arab citizens "institutional discrimination" and called for affirmative action.

Women.—The Equality of Women Law provides for equal rights for women and protection from violence, sexual harassment, sexual exploitation, and trafficking; however, violence against women was a problem. The government reported that be-

tween January 1 and October 6, some 15 thousand cases of spousal violence were filed with the police. Police addressed about 20 thousand domestic violence cases a year, of which approximately 17 thousand were complaints by women against their spouses. The government reported that in 2004 it convicted 1,297 persons of spousal abuse. The social affairs ministry provided battered women with shelter care and operated a national hot line for battered women. The government reported that the police operated a nationwide computerized call center to inform victims about their cases and employed a computerized database to link sex crime cases and to assist in identifying and locating offenders. The IDF and the Military Police Investigative Unit accepted reports on domestic violence where the suspect was likely to carry an IDF-issued weapon. A wide variety of women's organizations and hot lines provided services, such as counseling, telephone crisis intervention, legal assistance, and shelters to abused women.

Rape is illegal; nevertheless, NGOs considered the incidence of rape a concern. Crisis hot line rape reports rose by 15 percent during 2004, according to the annual report of the Association of Rape Crisis Centers in Israel released in February. According to police, the incidence of rape in Tel Aviv rose 27 percent in 2004.

In past years women's organizations reported instances of Arab women killed by male relatives in "honor" cases, although there is no accurate estimate of the number. The Women Against Violence Organization (WAVO), reported that at least nine Israeli-Arab women were victims of honor killings during the year and estimated that annually an average of 10 Israeli-Arab women were victims of family honor killings. Police suspected that family members killed an Israeli-Arab woman from the town of Ramle on January 1 because she disgraced the family. At year's end the case was pending. In July police investigated a case in which a man and a woman, both Israeli Arabs, were shot and killed. Police suspected that the killing involved family honor, as the victims were not married but lived together. Police ordered an investigation; however, at year's end the case was pending.

On October 22, police found a Druze woman hanging from a tree and charged three members of her family, including her father, with murder. The police suspected that male family members killed her for disgracing the family. According to WAVO the local community alleged that the police arrested the wrong persons and that evidence pointed elsewhere. At year's end police investigation continued.

On December 17, police arrested two brothers from the Israeli Arab town of Mughar after they confessed to killing their sister ostensibly to preserve their family's honor. On December 19, they were arraigned in the Acre Magistrate's Court on murder charges. At year's end the case was pending.

On May 19, unknown perpetrators burned a textile workshop in the Negev region Bedouin town of Lakia operated by a volunteer association to improve the status of women. The association suspected that community men who objected to women working outside the home set the fire. At year's end police continued to investigate, but no arrests were made.

Prostitution is not illegal. The law prohibits operation of brothels and organized sex enterprises, but brothels operated in several major cities.

The Prevention of Stalking Law and the Prevention of Family Violence Law require that suspected victims be informed of their right to assistance. According to a government report submitted to a UN committee on May 29, since 2002, 2,946 requests for restraining orders were submitted to the courts based on this law, rising from 472 cases in 2002 to 1,307 cases in 2004. In a March report to the UN Session of the Commission on the Status of Women, several women's NGOs stated that approximately 130 thousand women in the country between the ages 25 and 40 had been sexually harassed in the workplace. During the period between January 1 and October 1, the police opened 158 cases involving sexual harassment, and 137 of those were forwarded for prosecution.

The law provides for class action suits and requires employers to provide equal pay for equal work; however, significant wage gaps remained. According to a March publication by the Central Bureau of Statistics, women earned 83 percent as much as men, and women executives earned 74 percent as much as their male counterparts.

Religious courts adjudicate personal status law, and these courts restricted the rights of Jewish and Muslim women. Jewish women are not allowed to initiate divorce proceedings without their husbands' consent. Consequently, thousands of so-called *agunot* may not remarry or have legitimate children because their husbands either disappeared or refused to grant divorces. Rabbinical tribunals may sanction husbands who refuse to divorce wives, but may not grant a divorce without his consent. A Muslim woman may petition for and receive a divorce through the Shari'a courts without her husband's consent under certain conditions, and may, through a marriage contract, provide for certain cases where she may obtain a divorce with-

out her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court.

Children.—The law provides for the overall protection of children's rights and welfare, and the government was generally committed to ensuring enforcement of these laws. The government has continued to legislate against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting. There were five shelters for children at risk of abuse.

According to a report issued by the National Council for the Child, the number of reported cases of child abuse and neglect has risen by 130 percent in the last decade. The report stated that approximately 39 thousand children were abused in 2004, compared with 16,800 in 1995. According to a police report released to a Knesset committee in December, children constituted more than 50 percent of the sexual offenses victims each year.

On August 8, the National Insurance Institute's annual report stated that approximately a third of the country's children lived in poverty, and the number of poor children grew by 9.4 percent in 2003. The 2004 report of the Israeli-Arab advocacy NGO Sikkuy (the Association for the Advancement of Civic Equality in Israel) stated that 45 percent of Arab families were poor (in contrast to 15 percent of Jewish families), and Arab children were twice as likely to die in infancy as Jewish children. A health ministry report released on August 25, recorded infant mortality among Negev region Bedouin at 15 per 1,000 births.

Education is compulsory through the ninth grade. The government operated separate school systems for Hebrew-speaking children (mostly Jewish), Arabic-speaking children (mostly Israeli-Arab), and Orthodox Jews. However, government spending on and services for children was less in Arab areas than in Jewish areas. According to a study at Hebrew University, three times as much money was invested in Jewish children as in Arab children. Human Rights Watch reported in May that the government provided 1 teacher for every 16 Jewish primary school children compared to 1 teacher for every 19.7 Arab children.

During the year the education ministry stated that it was implementing some reforms in nine unspecified Arab localities, as recommended by the government's 2004 National Task Force for the Advancement of Education in Israel (the Dovrat Commission).

In December 2004 the Dovrat Committee also issued recommendations affecting ultra-Orthodox schools. Ultra-Orthodox political parties, such as United Torah Judaism, opposed government interference in its school system. The only nonpublic schools receiving government funding were ultra-Orthodox Jewish schools. State subsidized ultra-Orthodox religious schools have not complied with the requirement for all state-funded schools to teach core subjects such as mathematics. In December 2004 the high court ruled that they must comply by the opening of the 2007 school year or lose official funds.

In August Adalah filed a petition with the Tel Aviv District Court against the Municipality of Lod and the MOE, following their refusal to register an eight-year-old Arab child in a Jewish elementary school in Lod. The municipality and MOE argued it was better for the child to attend an Arab school. In response to a September 4 court order, the municipality registered the boy in the Jewish school and Adalah withdrew its petition.

Jewish children attended schools where the language of instruction was Hebrew and the curriculum included Jewish history. Israeli-Arab children, almost without exception, chose schools with instruction in Arabic in which the curriculum had a less Jewish focus. Israeli-Arab advocacy groups charged that the education of Arab children was inferior to that of Jewish children in the secular system. According to the Higher Follow Up Committee for Arab Affairs, there was a five thousand-classroom shortage in the Arab sector. The civic equality NGO Sikkuy stated in its 2003–04 report that approximately half of age 15 and older non-Jewish Israelis did not have a high school education, compared with one fifth of Jewish Israelis.

According to an Israeli-Arab advocacy group, 21.5 percent of Jews begin university studies compared with 11.5 percent of those defined as "members of other religions," mostly Arabs. Arab Knesset members have criticized the lower academic achievements of Arab students and charged that it indicated discrimination in the system. Preschool attendance for Bedouin children was the lowest in the country, and the dropout rate for Bedouin high school students was the highest.

The minimum legal age of marriage is 17 for both boys and girls. According to the NGO Israel National Council for the Child, marriage under age 17 occurred among minority groups, such as Muslims, certain ultra-Orthodox Jewish groups, and new immigrants from Ethiopia and from Islamic states in the former Soviet Union.

In February 2004 Elem, an NGO that assists troubled youth, estimated that more than a thousand women younger than age 18 worked as prostitutes.

Trafficking in Persons.—The law prohibits only trafficking in women for the purpose of sexual exploitation; however, trafficking for the purpose of labor as well as for prostitution remained a serious problem. The penal code stipulates that coercion to engage in prostitution is a criminal offense, punishable by between 4 and 20 years imprisonment, and makes it a crime to induce a woman to leave the country to “practice prostitution abroad.” The operation of brothels and “organized sex enterprises” is illegal.

The law guarantees foreign laborers legal status, decent working conditions, health insurance, and a written employment contract; however, some employers forced individual laborers who entered the country, both legally and illegally, to live under conditions that constituted trafficking. While law enforcement agencies have successfully prosecuted employers for labor law violations, including for violations that were tantamount to trafficking, they have not severely penalized labor agencies for trafficking because legislation does not make trafficking illegal if it is for purposes other than prostitution. There were numerous documented cases of foreign laborers living in harsh conditions, subjected to debt bondage, and restricted in their movements.

Organized crime groups trafficked women, primarily from the former Soviet Union, sometimes luring them by offering service sector jobs. Foreign workers came mainly from Southeast Asia, East Asia, Africa, Turkey, Eastern Europe (Romania), and South and Central America. Some traffickers reportedly sold foreign-origin women to brothels, forced them to live in harsh conditions, subjected them to beatings and rape, and forced them to pay for transportation costs and other “debts” through sexual servitude. According to local NGOs, during the year traffickers brought between one thousand and three thousand women into the country for prostitution. The government reported that during the year, 59 trafficked women resided in the “Maggan” Shelter, and an additional 128 trafficking victims stayed in the detention facilities. The government estimated that at least 682 more women met the basic criteria to be classified as cases of trafficking victims even if they did not so admit.

In October, 2 NGOs claimed there were 200 thousand foreign workers in the country and that 20 percent of these workers were trafficking victims. During the year the Ministry of Industry, Trade, and Labor (ITL) revoked 185 permits to hire foreign workers, opened 1,220 files against employers suspected of violating foreign worker employment laws, and imposed 8,356 administrative fines on employers. Also during the year, the ITL filed 208 criminal indictments against employers, including manpower companies, for violations of labor laws and won 38 judgments against violators.

The government did not strengthen laws to fight trafficking. In 2003 the government established a Border Police unit to combat smuggling of persons and drugs across the border with Egypt. During the year this special unit caught 345 Israelis and foreign nationals infiltrating into the country, including 45 women trafficked for prostitution or smuggled for housework. A 2003 law provides minimum sentencing requirements for convicted sex traffickers. During the year the police arrested 78 people for trafficking in persons for the purposes of prostitution and related offenses; the state detained 18 suspects without bail until the conclusion of their trials. Police officials attributed the lack of major arrests and a decrease trafficking arrests at the border to their heightened activity over the past two years.

Courts imposed tougher sentences for trafficking in women than previously, but these sentences remained significantly lighter than the maximum allowable prison sentence of 20 years. On average since the Knesset passed the antitrafficking law in 2000, judges have sentenced traffickers to six years in prison with a two-year suspended sentence. The government has typically awarded compensation to trafficking victims of less than 10 percent of the permitted maximum compensation of approximately \$50 thousand (230 thousand NIS).

The government investigated allegations of misconduct and corruption by individual police officers, including taking bribes, tipping off brothels of raids, and sexually harassing trafficking victims. During the year 2 NGOs surveyed 106 trafficked women, 44 percent of whom claimed that policemen patronized their brothel. The government claimed to have received no reports during the year regarding officials who participated in, facilitated, or condoned trafficking in persons; it made no arrests, and issued no indictments or prosecutions for this offense.

The justice ministry set a guideline that investigations of complaints by foreign workers should be concluded within 45 days. When prosecutors gathered sufficient evidence for indictment, they filed the indictment through an accelerated procedure to ensure that the proceedings will be effective even if the foreign worker left the

country. In a recent case against police officers convicted of sexual crimes with a foreign worker, the supreme court accepted the appeal of the prosecution and increased a sentence from 24 to 42 months in prison. In another case a police officer was convicted of demanding sexual favors from a woman that he threatened to arrest and deport if she did not comply. He had not been sentenced as of October.

The 50-person-capacity government-run shelter for trafficking victims was often filled to capacity; NGOs claimed that additional shelters were needed. According to the government, during the year 108 trafficking victims chose to testify, compared with 81 victims in 2003. The government transferred 46 women to the government-run shelter, 36 of whom agreed to testify against their traffickers. In 2003 the state attorney's office, the police, and the Knesset urged the courts to accelerate hearing testimony from trafficking victims; the law stipulates that testimony must be taken within 2 months of the indictment of suspected traffickers, but there were victims who waited as long as 18 months. According to the government, between January and October, in all districts victims waited an average of two months from the time of filing the indictment until the first court hearing.

The government has not drafted an antitrafficking plan. Although it approved funding in May for an interministerial coordinator to combat trafficking in persons, at year's end it had not appointed a coordinator or provided funding for an assistant. The government and an NGO cooperated to train judges who preside over deportation hearings. In October the government formed an interministerial team to address issues relating to trafficking in persons for the purposes of both prostitution and labor. It met three times between October and January and included representatives from the ministries of foreign affairs, justice, interior, industry trade and labor, social affairs, the police, and the immigration administration. Also with assistance from NGOs, the government distributed brochures through its embassies in such source countries as Moldova and Uzbekistan, warning potential victims of the threat. The NGOs associated with this process claimed that the number of brochures was insufficient to reach potentially vulnerable foreigners.

As a result of coordinated international police efforts during the year, several governments extradited individuals to Israel on charges of trafficking in persons. For example, Russian officials extradited Israeli national Shota Shamelashvili, where at year's end he was on trial for trafficking in persons. Also, Ukrainian officials extradited Sergey Matatov, where at year's end he was on trial for trafficking in persons. Likewise, as a result of joint investigations, Israeli and Belarussian officials arrested several suspected members of two criminal groups that trafficked women from Belarus to Israel.

Persons with Disabilities.—The government provided a broad range of basic benefits for persons with disabilities. The law provides for protection and equality of the rights of persons with disabilities. Persons with disabilities continued, however, to encounter difficulties in areas such as employment and housing. According to the government, the Commission for Equal Rights of People with Disabilities, within the justice ministry, addressed some 500 discrimination cases, mainly in the areas of accessibility and employment. On March 22, the government enacted a law to require greater building and public area access for persons with disabilities. However, the government did not enforce a previous law primarily due to a lack of funding. Accessibility to public transportation was not mandated by law.

In May the government voted to adopt proposals submitted by a government committee to promote the integration of persons with disabilities into society.

National/Racial/Ethnic Minorities.—The 2003 report of the Orr Commission, which was established following the police killing of 12 Israeli-Arab demonstrators and a Palestinian in October 2000 (see section 1.a.), stated that government handling of the Arab sector was “primarily neglectful and discriminatory,” was not sufficiently sensitive to Arab needs, and that the government did not allocate state resources equally. Consequently, “serious distress prevailed in the Arab sector . . .,” including poverty, unemployment, a shortage of land, serious problems in the education system, and substantially defective infrastructure. Problems also existed in the health and social services sectors.

In June 2004 the government adopted an interministerial committee's proposals to act on some of the Orr Commission's findings, including: establishment of a government body to promote the Arab sector; creation of a volunteer, national civilian service program for Arab youth; and the creation of a day of national tolerance. At year's end the government implemented neither these proposals nor the original Orr Commission recommendations. On September 18, the PID closed the investigation into the police killings in the October 2000 riots; however, on September 28, the attorney general and the PID decided to reexamine the investigation (see section 1.a.). At year's end there had been no further action.

In December 2004 the Knesset established a subcommittee, chaired by an Israeli-Arab member, charged with monitoring needs of the Israeli-Arab sector and advocating alterations in the budget to benefit that sector. The subcommittee met during the year, but, according to Mossawa, the government's response to the subcommittee's queries was inadequate.

According to 2004 reports by Mossawa and the Arab Association for Human Rights, racist violence against Arab citizens has increased, and the government has not acted to prevent this problem. Advocacy groups charged government officials with making racist statements.

In June 2004 the Jerusalem District Court filed six indictments for incitement to racism against fans of a local soccer team for shouting "death to the Arabs" at a soccer match. According to Mossawa fans engaged in similar anti-Arab behavior at soccer matches in September, but the police did not make arrests. In a January 10 letter to the Israel Football Association (IFA), Mossawa charged that the IFA had not acted to prevent racist activities at matches. In a March 7 letter responding to Mossawa's concerns, Mossawa reported that the group pledged to work against racism, but Mossawa has claimed that the IFA has still not taken actions to address this problem.

In March a Dahaf Institute poll of Israeli Jews found 59 percent of those polled agreed or tended to agree that the state should encourage Israeli Arabs to emigrate. On September 21, a major local newspaper published a column whose author advocated that the country encourage its Arab citizens to emigrate.

Approximately 93 percent of land in the country is public domain, the majority of which is owned by the state, with approximately 12.5 percent owned by the Jewish National Fund (JNF). All public lands and that owned by the JNF are administered by the governmental body, the Israel Lands Administration (ILA). By law public land may only be leased, and the JNF's statutes prohibit land sale or lease to non-Jews. In separate petitions to the high court in 2004, Adalah and civil rights groups sought, among other points, nondiscriminatory procedures for allocating and leasing land. In January the attorney general ruled the government cannot discriminate against Israeli Arabs in marketing and allocation of lands it manages, including lands the ILA manages for the JNF. Adalah criticized the attorney general, however, for also deciding that the government should compensate the JNF with land equal in size to any plots of JNF land won by non-Jewish citizens in government tenders.

The community of Katzir, a town in the Galilee established by the Jewish Agency, had refused to provide an Israeli-Arab family, the Ka'adans, title to a plot of land despite a 2000 supreme court ruling that the government cannot discriminate against Israeli Arabs in the distribution of state resources, including land. The family petitioned the court again in September 2003 to compel the government to implement the court's 2000 ruling. In May 2004 the ILA allocated the plot of land to the family, who signed a contract on December 19, enabling them to start building their house.

Education ministry regulations required Israeli-Arab contractual or maintenance workers in Jewish educational institutions in Jerusalem to undergo mandatory security checks and to be supervised by a Jewish foreman. After a petition by Adalah, the attorney general ordered in June the cancellation of the regulations; however, at year's end it could not be determined that the regulations were no longer applied.

Israeli-Arab advocacy organizations have challenged the government's policy of demolishing illegal buildings in the Arab sector. They claimed that the government restricted issuance of building permits for Arab communities more than for Jewish communities, thereby limiting Arab natural growth.

In February 2004 security forces demolished several homes in the Arab village of Beineh, claiming that they were built illegally. On April 19, Adalah appealed to the attorney general requesting that he reverse a decision not to indict police officers for alleged assault and property damage involved in the house demolition operation. Adalah claimed that the police investigation was negligent and that it was unreasonable not to indict the police officers. At year's end the appeal remained pending.

In January the government established a new police unit to combat illegal construction and land use. The media reported that the unit will focus on the Israeli-Arab sector and areas surrounding development towns.

The Orr Commission found that "suitable planning should be carried out [in the Arab sector] as soon as possible to prevent illegal construction . . ." A ministerial committee, created to advise the government on implementing the Orr Commission recommendations, called on the ILA to complete master plans for Arab towns, approximately half of which currently lacked such plans. In June 2004 the supreme court ruled that omitting Arab towns from specific government social and economic plans is discriminatory. This judgment builds on previous assessments of disadvan-

tages suffered by Arab Israelis. New construction is illegal in any towns that do not have master plans or in the country's 37 unrecognized Bedouin villages. In September, according to a Bedouin advocacy group (the Regional Council for Unrecognized Villages in the Negev), security forces demolished several Bedouin homes in the unrecognized villages of Al-Zaroor, Al-Bhaira, Al Sir, and Al-Mazra'a.

Israeli-Arab organizations and some civil rights NGOs challenged as discriminatory the 1996 "Master Plan for the Northern Areas of Israel," which listed priorities as increasing the Galilee's Jewish population and blocking the territorial contiguity of Arab towns. The Israeli-Arab organizations presented their objections at a hearing in March 2003, but the National Council for Building and Planning, a government body responsible for developing the master plan, has not responded. To date the government has not implemented this plan.

The Bureau of Statistics noted that the median number of school years for the Jewish population is three years more than for the Arab population. According to data released in September by the Higher Arab Follow-up Committee, the Arab student dropout rate overall was 12 percent and 70 percent at schools in the unrecognized villages in the Negev, compared with 6 percent overall in Jewish schools.

Israeli Arabs also were underrepresented in the student bodies and faculties of most universities, professions, and business. According to Sikkuy's 2003-04 annual report, non-Jews made up 9.8 percent of university undergraduates and Israeli Arabs constituted 1 percent of all lecturers or professors at academic institutions—50 to 70 out of more than 3 thousand. In October an Arab Israeli was appointed for the first time as dean of research at the University of Haifa.

Well-educated Arabs often were unable to find jobs commensurate with their education. A small number of Israeli Arabs hold responsible positions in the civil service, generally in the Arab departments of government ministries. In 2003 the government approved affirmative action to promote hiring Israeli Arabs in the civil service. However, according to current government figures, only 3 percent of civil service employees were from the Arab sector. In November the deputy civil service commissioner reported that Arabs made up only 5.6 percent of the total number of new civil service employees hired in 2004. During a June 21 meeting of the Knesset Internal Affairs Committee, retired Supreme Court Justice Theodore Orr, who headed the Orr Commission, criticized the government for not implementing the affirmative action law.

A 2000 law requires that minorities have "appropriate representation" in the civil service and on the boards of government corporations. In January 2004 Prime Minister Sharon mandated that every state-run company's corporate board have at least one Arab member by August 2004. In June 2004 the media reported that the number of Arabs on state-run corporate boards had declined. According to data from the Government Companies Authority, during the year Arabs filled 50 out of the 551 board seats of 105 state-run companies.

Israeli Arabs complained upon occasion during the year of discriminatory treatment by the state airline. Mossawa reported that, it received complaints from Israeli Arabs of discriminatory treatment at the airport. According to the AAHR, in July two Israeli Arabs were prohibited from taking their laptop computers with them on an El Al flight from Austria to Israel; Jewish passengers were allowed to take their laptops. The Israeli Arabs used a different airline to return to Israel.

The law exempts Israeli Arabs from mandatory military service, and in practice only a small percentage of Israeli Arabs so served. Citizens who did not serve in the army enjoyed less access than other citizens to social and economic benefits for which military service was either a prerequisite or an advantage. Israeli Arabs generally were restricted from working in companies with defense contracts or in security-related fields. In December 2004 the Ivri Committee on National Service recommended that Israel Arabs be given an opportunity to perform national service. By year's end the government had not addressed the Ivri Committee recommendations. Males in the Israeli Druze community, which numbered around 100 thousand, and in the Circassian community, which numbered some 3 thousand, were subject to the military draft, and the overwhelming majority accepted service willingly. Some Bedouin and other Arab citizens not subject to the draft also served voluntarily.

The Bedouin sector of the population was the country's most disadvantaged. The Orr Commission of Inquiry report called for "special attention" to the living conditions of the Bedouin community. Approximately 140 thousand Bedouin lived in the Negev, half in 7 state-planned communities and 8 recognized communities, and the rest in 37 unrecognized villages. During the year the government officially recognized the Israeli-Arab village of Ein Hod in the Carmel area, after village residents had petitioned the government for more than 57 years. Recognized Bedouin villages received basic services but remained among the poorest communities. Unrecognized

villages paid taxes to the government; however, they were not connected to the national water and electricity infrastructure and not eligible for government educational, health, and welfare services. In September ACRI and PHR petitioned the supreme court to require the government to connect a house in an unrecognized Bedouin village to the electrical power lines so a three-year-old suffering from cancer could benefit from air conditioning, as the doctor recommended. At year's end the request remained pending.

In March 2004 the supreme court issued a temporary injunction to prevent the ILA from spraying herbicide on Bedouin crops on state-owned land. According to Adalah the court extended its injunction in October 2004. In February the ILA admitted in an affidavit to the supreme court that it sprayed Bedouin agricultural fields with chemicals that were not approved by the agriculture ministry and banned from aerial spraying. After a November 28 hearing, the case was still pending.

Government planners noted that there were insufficient funds to relocate Bedouin living in unrecognized villages to new townships and that the average Bedouin family could not afford to purchase a home there. Clashes between authorities and residents of unrecognized villages continued during the year.

In July the government extended until March 2006 the 2003 Citizenship and Entry into Israel Law, which bars Palestinians from the occupied territories from acquiring residence or citizenship rights through marriage to Israelis (see section 2.d.). The government also amended the law to allow Palestinian men aged 35 and older and women aged 25 and older to request Israeli citizenship through family unification. In July Adalah petitioned the high court to suspend implementation of the amended law as still discriminatory, and requested a court ruling on Adalah's 2003 challenge to the original law. In November during ongoing supreme court hearings on a petition by civil rights NGOs challenging this law, the government informed the court that since 2001, 25 Palestinian spouses of Arab citizens have been involved in terrorist activity. At year's end the case remained pending.

There are approximately 20 thousand non-Israelis living in the Golan Heights; they have been subject to Israeli military authority since 1967 and to Israeli civil law since Israel annexed this Syrian territory in 1981. They are primarily ethnic Druze; however, Syria regards them as its citizens and they largely have refused Israeli citizenship. Israel accords them permanent resident status; they receive Israeli travel documents and hold identity cards that entitle them to the same social benefits as Israeli citizens. Most obtain these services in Syria. Syrian Golan residents of the Druze confession continue travel to Syria to pilgrimage to the Shrine of Abel, with Israeli permission.

Other Societal Abuses and Discrimination.—On March 23, Jewish, Christian, and Muslim religious leaders protested against a gay pride march planned for Jerusalem in June. On June 26, the Jerusalem District Court ordered the Jerusalem municipality to permit the gay pride march. During the June 30 march, an ultra-Orthodox Jew stabbed three participants. Police arrested Yishai Shlifel and charged him with three counts of attempted murder. His trial was scheduled to continue in January 2006. In April unknown arsonists damaged a Jerusalem nightclub catering to homosexuals. According to the Jerusalem Open House for Pride and Tolerance, at year's end police had made no arrests and the investigation had not advanced.

In April the government announced a policy of recognizing same-sex couples with children as a family for purposes of receiving housing aid. The government also did not challenge a 2004 Nazareth District Court decision recognizing same-sex partners for the purposes of inheritance rights.

Section 6. Worker Rights

a. The Right of Association.—Citizens may join and establish labor organizations. Most unions belong to Histadrut (the General Federation of Labor in Israel) or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor), both of which are independent of government. Histadrut's members elect national and local officers, and officials of its affiliated women's organization, Na'amat, from lists of those in the union. Histadrut membership remained approximately 650 thousand, and Histadrut's collective bargaining agreements covered most non-Histadrut workers.

The law does not permit nonresidents, including Palestinians from the West Bank and Gaza, to join Israeli trade unions or organize their own unions in Israel. Protections contained in Histadrut work contracts and grievance procedures extend to non-resident workers in the organized sector. Palestinian participation in shop-level workers' committees was minimal.

Labor laws apply to noncitizens. However, a 2003 amendment to the Social Security Act stipulates that undocumented workers are not entitled to receive certain so-

cial security benefits, including maternity leave and compensation for work-related injuries. The Foreign Workers Act stipulates that foreign workers do not receive National Health Insurance, and that the employers of migrant workers must provide private insurance, which is less comprehensive. In March an amendment to the act requires transfer of severance pay for foreign nationals to a fund that they may access only when their residency permits expire. Currently, this amendment applies only to construction workers, according to the June internal regulations of the industry, trade, and labor ministry.

b. The Right to Organize and Bargain Collectively.—Citizens exercised their legal rights to organize and bargain collectively. The law specifically prohibits antiunion discrimination. No antiunion discrimination was reported.

Nonresident workers could not organize unions or engage in collective bargaining but could be represented by the bargaining agent and protected by collective bargaining agreements. Between January and September, the industry, trade, and labor ministry issued 77,639 permits for foreigners to work in the country, most of which, the ministry reported, were assigned. The government estimated non-Palestinian foreign workers, both legal and illegal (between 50 thousand and 70 thousand), comprised 7 to 8 percent of the labor force. Foreign workers must pay an agency fee in lieu of union dues, entitling them to protection by collective bargaining agreements. The ministry extended collective bargaining agreements to nonunionized workplaces in the same industrial sector. The ministry also oversaw personal contracts in the unorganized sectors of the economy which do not offer union protection from, among other possible actions, immediate dismissal without recourse.

Workers exercised the right to strike less frequently than in previous years. If essential public services are affected by a strike, the government may appeal to labor courts for back-to-work orders during continued negotiations. Worker dismissals and the terms of severance arrangements have traditionally been the central issues of disputes. A Histadrut agreement on workers' wages reached early in the year with the government (the largest employer in the country) helped to diminish the number of strikes.

In the most significant strike of the year, more than 100 workers at the transportation company Metrodan in Beersheva struck for 147 days, starting in November 2004. According to Histadrut it was the longest strike in the country's history. Since Metrodan provided all public transportation in the country's largest southern city, the supreme court ultimately addressed the dispute and ruled for the workers and Histadrut.

There are no export processing zones. In December 2004 the government established a Qualified Industrial Zone (QIZ) with Egypt, creating duty-exempt zones for joint Israel-Egypt manufacturing for exports. The government established a comparable QIZ with Jordan in 1998. Since the factories are located in Egypt and Jordan respectively, Egyptian and Jordanian labor laws apply.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and neither the government nor Histadrut received reports that such practices occurred for citizens, residents such as Syrian citizens of the Golan Heights, or nonresident Palestinian workers. Civil rights groups charged that unscrupulous employers exploited adult non-Palestinian foreign workers, both legal and illegal, and held them in conditions that amounted to involuntary servitude (see section 6.e.).

Trafficking in persons for the purpose of prostitution and labor remained a problem (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—Children at least 15 years old who have completed their education through grade nine may be employed only as apprentices. Children who are 14 years old may be employed during official school holidays in light work that will not harm their health. Working hours for those between the ages of 16 and 18 are restricted to ensure time for rest and education. The government enforced these restrictions in practice. According to Histadrut the labor ministry responded to complaints about child labor and intervened to stop the practice, but it was not able to monitor the agricultural sector where, Histadrut claimed, children under the age of 15 worked throughout the year.

There was no reliable data regarding the incidence of child labor, although NGOs believed that it occurred to a limited degree, primarily in urban, light industry. Although in previous years, the government, Histadrut, and NGOs received reports of illegal child labor in the undocumented Palestinian population, they did not receive such reports during the year.

e. Acceptable Conditions of Work.—The minimum wage was approximately 45.3 percent of the average wage and remained approximately \$900(4,100 NIS) per month for a 40-hour week. The government considered the minimum wage, often

supplemented by special allowances for citizens, to provide a citizen worker and family with a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim.

By law the maximum hours of work at regular pay are 42.5 hours a week.

Employers are required to obtain a government permit to hire Palestinian workers from the occupied territories. All Palestinians from the occupied territories working legally in the country were employed on a daily basis and, unless employed on shift work, were not authorized to spend the night in the country.

Palestinian employees whose Israeli employers recruited them through the labor ministry received their wages and benefits through that ministry. Palestinian workers were not eligible for all National Insurance Institute (NII) benefits although the ministry deducted a union fee and required contributions to the NII. For example they did not receive unemployment insurance, general disability payments, or low-income supplements. Israeli employers directly paid Palestinian employees not employed through the labor ministry; the workers received the same benefits as those paid through the ministry.

According to agreement between the government and the Palestinian Authority (PA), employers paid an "equalization fee" to the Israeli Treasury, in the amount of the difference in cost between employing a (lower paid) foreign worker and an Israeli worker. The government stated that these sums would be forwarded to the PA when it established a national insurance institute.

Since 1993 the government has agreed to transfer the NII fees collected from Palestinian workers to the PA, which was to assume responsibility for all pensions and social benefits of Palestinians working in the country. As a prerequisite to transferring these funds, the PA was to have established mechanisms to provide these services in the PA-controlled territories. Subsequently, government officials have continued to withhold all of the PA payments pending its creation of a social security department to distribute the fees.

Following the outbreak of violence in 2000, the government's closure policy on the occupied territories prevented nearly all Palestinians from getting to employment in the country (see section 2.d.). Closures have continued periodically for the past five years. During periods of nonclosure, Palestinians required Israeli-issued permits to enter Israel. Permits may be issued for a single day or for periods of several months. Frequently, during closures, government authorities invalidated some or all existing valid permits, requiring even long-established travelers to secure new permits, often multiple times during the year. Accordingly, statistics on permit issuance and use do not reflect actual numbers of individual travelers allowed into the country. Many Palestinian laborers may have used the permits to make numerous entries; the government did not provide data as to how many different individual Palestinian laborers received work permits.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace, although resource constraints affected overall enforcement.

Workers could not legally remove themselves from dangerous work situations without jeopardy to continued employment. Additionally, foreign workers risked immediate deportation. However, any worker could challenge unsafe work practices through government oversight and legal agencies. NGO and police reports continued to charge that unscrupulous employers sometimes forced illegal workers to live in situations amounting to involuntary servitude, because of the workers' vulnerable legal status and lack of recourse.

The law prohibits brokers and employers from collecting hiring fees from migrant workers. According to NGOs many foreign workers paid fees to brokers in their countries of origin to work in the country. The brokers then paid Israeli employers to hire the foreign workers. Some foreign workers reported paying fees in their home country, while others reported paying some fees, in cash, to brokers in Israel. Employers seeking to avoid paying workers' wages (and to receive brokerage fees for new workers) reportedly sometimes threatened violence and imprisonment to force existing workers to depart.

Public debate continued regarding non-Palestinian foreign workers. In October the industry, trade, and labor ministry and the immigration authority estimated such workers at between 127 thousand and 147 thousand. Legal workers came from many countries, including Jordan, Thailand, the Philippines, and Romania. Illegal workers came from Jordan, Eastern Europe, and Southeast Asia; they worked in the construction and agricultural sectors, and as domestic help.

The government estimated that, between January 1 and October 9, 21,566 foreign workers departed, with 7,235 deported or leaving involuntarily, and 14,331 departed voluntarily.

Human rights groups claimed that since foreign worker visas were tied to specific employment, even legal foreign workers had little influence on their work conditions.

The law does not permit foreign workers to obtain citizenship or permanent residence status unless they are Jewish. In June the government enacted a one-time program, valid to the end of the year, allowing children age 10 and above of foreign workers to become permanent residents and eventually citizens, if they were born and raised in the country and their parents entered the country legally. The government estimated that two thousand children and six thousand immediate family members would be eligible to become citizens under this provision; however, NGOs asserted that the numbers would be much lower. At year's end the government had received 228 applications for legalization under this new program, regarding 650 persons. NGOs cited these low numbers as evidence that the new program was too restrictive. At year's end the government had neither awarded nor denied citizenship to any applicant, although it approved 35 applications and began processing the necessary documentation.

NGOs alleged that Israeli and foreign traffickers lured foreign workers to the country with promises of jobs that proved nonexistent. Foreign workers reportedly paid up to \$10 thousand (45 thousand NIS) to employment agencies for work visas. In a significant number of cases, according to NGOs, employers dismissed workers shortly after arriving. Allegedly the manpower companies worked with authorities to deport the newly arrived workers, who were then replaced by others, earning the companies additional fees. NGOs argued that most workers expected to work for the two-year duration of their visas to recoup their initial payments. Dismissed foreign workers who avoided deportation often sought illegal employment.

Workers may contest deportation orders in a special court, but often lacked fluency in Hebrew, placing them at a considerable disadvantage. At least three times during the year, deportation tribunal judges noted lack of translation services hindered the judicial process. On September 25, in response to an NGO petition to the supreme court, the government indicated work continued on the draft of a tender for translation services. According to NGOs the government had spent three years drafting the tender, and at year's end it had not been completed.

In March 2004 in response to judicial criticism concerning protracted detention of foreign workers, the attorney general ordered that they be brought before the court within four days of arrest. The government generally honored the attorney general's directive. NGOs assist workers facing deportation, and there have been cases when the worker's status was reinstated. For example, in May the Tel Aviv Labor Court ordered immigration police to return two Thai workers deported before they could testify in their civil and criminal cases against their employer for inhumane treatment. At year's end the workers' lawyer reported that the court was willing to accept their testimony without requiring their return.

The court also provided a forum where workers subject to deportation orders could claim unpaid wages or other benefits; however, NGOs reported that workers often were deported before they could lodge claims. NGOs also noted cases in which the police injured foreign workers during arrest (see section 1.c.).

THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. In 2005 the population of Gaza was approximately 1.4 million, of the West Bank (excluding East Jerusalem) approximately 2.4 million, and of East Jerusalem about 415 thousand, including approximately 177 thousand Israelis. Approximately 250 thousand Israelis resided in the West Bank. Various Oslo-era agreements transferred civil responsibility to the Palestinian Authority (PA) for Gaza and parts of the West Bank and divided the territories into three types of areas denoting different levels of PA and Israeli control. However, after Palestinian extremist groups resumed violence in 2000, Israeli forces resumed control over a number of these areas, citing the PA's failure to abide by its security responsibilities. On February 8, Israeli Prime Minister Ariel Sharon and newly elected PA President Mahmud Abbas agreed to cease violence and hostilities completely. During the year violence declined, and Israeli-imposed internal and external access restrictions lessened.

Between August 15 and September 12, the Israeli government evacuated all 21 settlements in Gaza and 4 settlements in the northern West Bank. PA security forces assumed overall security responsibility for Gaza. The Rafah crossing was closed beginning September 7, pending an agreement on border crossings. By mid-

November the PA and Egypt controlled the Rafah border, and by year's end there was limited Palestinian transit through the crossing.

The PA has a democratically elected president and legislative council, which select and endorse a prime minister and cabinet. On January 9, Palestine Liberation Organization (PLO) Chairman Mahmud Abbas won approximately 62 percent of the popular vote in a presidential election regarded as generally free and fair. The PA held multiple rounds of municipal elections during the year; however, Abbas postponed Palestinian Legislative Council (PLC) elections, scheduled for July 17, until January 25, 2006.

Israel exercised occupation authority through the Ministry of Defense's Office of Coordination and Liaison.

During the year 190 Palestinians were killed during Israeli military operations. A total of 50 Israelis, including 9 Israeli Defense Force (IDF) soldiers and 2 foreigners in both Israel and the occupied territories were killed in terrorist attacks. In October 2003 three US security personnel were killed and one wounded when a bomb detonated under their car in Gaza. At year's end there had been no progress by the PA's investigative team, and the case remained unsolved.

The PA generally did not maintain effective control over its security forces, and there were reports that members of the PA security forces committed numerous, serious abuses, including torture. The Israeli government maintained effective control of its security forces; however, there were reports that Israeli security forces used excessive force and abused and tortured detainees.

In September the Israeli Supreme Court reaffirmed its earlier decision that the separation barrier is permissible under both international law and Israeli law, however, the Israeli Supreme Court questioned whether the segment of the barrier at issue utilized the least intrusive route available, and it asked the government to consider whether there was an alternative route. The court further found that in September there were 43 remaining petitions regarding other portions of the wall that now would be decided by the court. In an advisory opinion, the International Court of Justice concluded in 2004 that the barrier was contrary to international law in a number of respects.

Regarding the PA, there were reports of the following problems:

- torture
- arbitrary and prolonged detention
- poor prison conditions
- infringement of privacy and freedom of speech
- insufficient measures to prevent attacks by terrorist groups either within the occupied territories or within Israel
- numerous instances of violence against Israeli civilians, resulting in deaths and injuries in the West Bank, Gaza, and Israel
- corruption and lack of transparency
- domestic abuse of women
- societal discrimination against women and persons with disabilities and child labor

Regarding the Israeli occupying forces, there were reports of the following:

- damage to civilians in the conduct of military operations
- numerous, serious abuses of civilians and detainees
- failure to take disciplinary action in cases of abuse
- improper application of security internment procedures
- use of temporary detention facilities that were austere and overcrowded
- limited cooperation with nongovernmental organizations (NGOs)

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Killings by Palestinian and Israeli security forces and by Israeli settlers and Palestinian militant groups remained a serious problem.

According to Human Rights Watch (HRW), as of June the IDF reported 131 criminal investigations into the use of weapons that resulted in injury or death, resulting in 28 indictments and 7 convictions, with the remaining cases still in process. The IDF also reported that as of June, 611 investigations were opened in response to

complaints of physical abuse, such as beatings, and complaints of property destruction. These investigations have led to 77 indictments.

On July 8, an Israeli security guard patrolling the separation barrier shot and killed a 15-year-old Palestinian boy. According to Palestinian witnesses, the boy was working in his family's agricultural fields near Bayt Liqya in the West Bank. Israeli authorities placed the guard under house arrest pending police investigation. At year's end there were no results from the investigation.

On August 17, Asher Weisgan, from the Israeli settlement of Shvut Rachel, shot and killed four Palestinian workers and wounded two others. On August 31, Israeli authorities in Jerusalem District Court indicted Weisgan on four counts of murder. At year's end the case had not been tried.

On September 30, IDF soldiers shot and killed an unarmed 13-year-old Palestinian boy during a pre-dawn raid on the Askar refugee camp, near Nablus. Initial IDF inquiry concluded the soldiers violated rules of engagement. At year's end the IDF was studying whether to conduct a military police investigation.

On October 27, Israeli forces launched a missile strike on a car in Gaza's Jabaliya refugee camp reportedly carrying an Islamic Jihad operative. Six other persons were killed and 19 wounded.

On November 1, Israeli missile strikes killed an al-Aqsa Martyrs' Brigades commander and a local Hamas leader in their car at the Jabaliya refugee camp north of the Gaza Strip. Nine bystanders were also injured.

On November 9, an Israeli border policeman shot and killed 35-year-old Samir Ribhi Da'ari, a Palestinian from Issawiye village, a neighborhood of East Jerusalem. Israeli authorities initially claimed that Da'ari attempted to drive his vehicle over the border policeman during the arrest of Da'ari's brother. A subsequent autopsy revealed Da'ari was shot in the back; at year's end court action against the policeman was pending.

On December 22, an Israeli raid in Nablus killed a reported commander of a local militia as well as two other Palestinians.

On February 10, Palestinian gunmen attacked the Gaza Central Prison and killed three prisoners as they awaited trial for two separate shooting deaths. The gunmen took one individual from the prison to the al-Burayj refugee camp and killed him publicly. The attackers were reportedly members of the families of the two shooting victims. At year's end there had been no arrests.

On July 23, Palestinian militants attacked vehicles traveling in the vicinity of the Abu Holi checkpoint in Gaza. Three IDF soldiers were injured, and two Israeli civilians were killed. Three militant groups claimed responsibility.

On August 24, a Palestinian stabbed two Jewish yeshiva students from a Western country in the Old City of Jerusalem and killed one. On October 8, Israeli security forces arrested a Palestinian from Hebron, who subsequently confessed to the killing. At year's end there was no further legal action.

On September 7, approximately 100 armed men attacked the Gaza City home of Musa Arafat, former PA Gaza National Security Forces chief, and killed Arafat and two bodyguards. The Popular Resistance Committees claimed responsibility for the attack. At year's end the PA had issued but not served an arrest warrant for one Popular Resistance Committee member.

On September 26, assailants, reportedly from the al-Aqsa Martyrs' Brigades, killed a Palestinian man suspected of collaborating with Israeli authorities. The killers kidnapped him days earlier from the Askar refugee camp near Nablus.

On October 2, a Palestinian civil police commander and two civilians were killed during a fight with Hamas members in Gaza. At least 51 others were injured, and 2 Gaza City police stations were heavily damaged.

On December 8, a knife-wielding Palestinian killed an Israeli soldier at the Qalandiya checkpoint north of Jerusalem; at year's end the Palestinian was awaiting trial.

On December 29, a Palestinian suicide bomber killed an Israeli guard and two Palestinians at a checkpoint near Tulkarm in the West Bank. The Palestinian Islamic Jihad claimed responsibility.

In December 2002 Imran Abu Hamdiyah, a 17-year-old Palestinian, was found dead in Hebron. In April 2003 Israeli officials arrested four border police officers on charges that they beat and then dumped Hamdiyah from their moving vehicle. On September 22, the Jerusalem District Court sentenced one of the four officers to four and one-half years in prison for assisting in Hamdiyah's death. At year's end the trial of the remaining three officers continued.

In October 2004 an Israeli settler, Boaz Albert, shot and killed 18-year-old Salman Yussuf Safadi near the settlement of Yizhar. On February 27, the Israeli police informed B'tselem that Albert claimed self defense. The investigation was

completed and forwarded to the Israeli state attorney for review; however, at year's end the State Attorney's Office had yet to respond or charge Albert.

In September 2004 an Israeli settler, Yehoshua Elitzur, shot and killed Palestinian taxi-driver Sa'al Jabara near Nablus. Witnesses said Elitzur shot Jabara at close range after he slowed his car to ask whether Elitzur needed assistance. On June 9, an Israeli court convicted Elitzur of manslaughter. At year's end Elitzur awaited sentencing.

In August 2004 unidentified assailants threw grenades into a room holding suspected Palestinian collaborators in the Gaza Central Prison. The attack killed two and injured six prisoners. Palestinian security officials arrested two policemen, who allegedly carried out the attack on behalf of Hamas. At year's end no further legal action had been taken against the officers.

Three US security personnel in a diplomatic convoy were killed in an attack in Gaza in October 2003. At year's end there was no progress by the PA's investigative team, and the case remained unsolved. During the year foreign governments continued to press the PA to resolve the case.

b. Disappearance.—There were no reports of politically motivated disappearances during the year. However, the PA neither prevented nor adequately investigated kidnappings of Palestinians or foreign nationals that occurred in conjunction with rising lawlessness in the West Bank and Gaza. For example on December 21, in northern Gaza, armed Palestinians kidnapped two foreign citizen school administrators. After PA official intervention, the kidnappers released their victims, but they have not been apprehended.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—PA Basic Law prohibits torture or force against detainees; however, international human rights groups stated that torture was a significant problem, and its use was not restricted to persons detained on security charges.

Torture by PA security forces reportedly was widespread. Documentation of abuses by PA security forces was very limited, due partly to hesitancy by alleged victims to make public claims of torture or abuse against PA authorities. Palestinian security officers have no formal guidelines regarding legal interrogation conduct; most convictions were based largely on confessions.

Israeli law, as interpreted by an Israeli high court decision, prohibits torture and several interrogation techniques but allows "moderate physical pressure" against detainees considered to possess information about an imminent terrorist attack.

The Association for Civil Rights in Israel 2004 report stated that the Public Committee Against Torture submitted over 100 complaints of torture in 2003. The Physicians for Human Rights in Israel reported that during the year, Israeli security forces used psychological abuse more frequently, including threats of house demolition or of questioning elderly parents, and kept prisoners in harsh conditions, including solitary confinement for long periods, rather than subjecting them to physical abuse. Israeli law prohibits forced confessions, but most security case convictions were based on confessions made before defendants had legal representation.

A detainee may not have legal representation until after interrogation, a process that may last weeks. The International Committee of the Red Cross (ICRC) is notified of arrests 12 days after they occur, and the ICRC is allowed to visit detainees 14 days after arrest. Detainees sometimes stated in court that their confessions were coerced, but there were no instances in which judges excluded such confessions.

On September 28, IDF soldiers entered a home in Tulkarm and ordered the residents out of the house, after which the soldiers ordered the men to undress in the street. B'tselem sought clarification from the IDF regarding these procedures. At year's end the IDF had not responded.

On November 21, Israeli soldiers assaulted Palestinian students in Hebron. The students had protested near a checkpoint against searches of their persons and possessions. At year's end no action had been taken against the soldiers.

In January 2004 at the Huwwara checkpoint, an IDF sergeant handcuffed and beat a Palestinian man in front of his family. The sergeant was convicted by a military judicial panel in September 2004, sentenced to 6 months in jail, and demoted to the rank of private; he also admitted beating at least 8 other Palestinians and smashing windshields of 10 taxicabs. At year's end there was no report on further legal action.

In September 2004 the Israeli Justice Ministry indicted five border policemen accused of severely abusing two Palestinians detained for lacking the necessary permits in Abu Dis. According to the indictment, the border policemen forced the Palestinians into a building; beat and abused them with rifles, boots, and fists before forcing them from a second floor window. On February 13, a Jerusalem court con-

victed 1 of the 5 policemen and sentenced him to 14 months in jail and 1-year probation. At year's end the trial for the other defendants continued.

In 2003 IDF soldiers at the Huwwara checkpoint outside Nablus demanded that two Palestinians clean the checkpoint. When the men refused, the soldiers handcuffed, blindfolded, and detained them for several hours. When B'tselem investigated the incident, the soldiers claimed their superiors had ordered them to do it. B'tselem requested an official investigation of the incident in 2004; however, at year's end there was no official response.

Prison and Detention Center Conditions.—PA prison conditions were poor. Facilities were dilapidated and neglected; most were destroyed during the Intifada, and prisoners were kept informally incarcerated. There were separate facilities to hold juvenile prisoners. Prison facilities were poorly protected and subject to intrusions by outsiders. The PA generally permitted the ICRC access to detainees and allowed regular inspections of prison conditions; however, the PA denied access to some detainees for 14 days following their arrests. The PA permitted monitoring of its prisons, but human rights groups, humanitarian organizations, and lawyers reported difficulties gaining access to specific detainees. Human rights organizations stated their ability to visit PA prisons and detention centers varied depending on which organization ran the facility. Human rights monitors said prison authorities did not consistently permit access to PA detention facilities, and they rarely could see inmates being interrogated.

Conditions of Israeli permanent prison facilities generally met international standards. Provisional detention centers were less likely to meet standards. According to the 2004 Israel Public Defender's Office report on detention facilities of the Prisons Service and Police, detainees in the Jerusalem Russian Compound facility endured overcrowded cells and suffocating conditions. Detention and interrogation facilities for Palestinian detainees, including the four interrogation centers (Shikma, Kishon, Petah Tikva, and the Jerusalem Internment Center) were austere, overcrowded, provisional facilities. Israel held at least 117 Palestinian prisoners in some form of solitary confinement. Israel permitted monitoring of prison conditions by the ICRC and other groups, although human rights groups reported delays and difficulties in gaining access to specific detainees.

The NGO Palestinian Prisoners Club reported that there were approximately 1,153 medical cases in Israeli prisons. Following the August 2004 hunger strike, Israeli authorities increased medical attention and authorized several private doctors to visit prisoners; however, prisoners continued to claim that medical attention was inadequate.

On July 28, Public Committee Against Torture in Israel demanded Israeli authorities investigate the death of 18-year-old Jawab Abu Maghasib, who died while in administrative detention at Ketziot prison in Israel. Abu Maghasib, who had been under administrative detention since 2002, reportedly suffered from a medical condition.

d. Arbitrary Arrest or Detention.—Palestinian law prohibits arbitrary arrest and detention; however, it allows police to hold detainees without charges for 24 hours. Courts may approve detention without charges for up to 45 days. A trial must start within six months of arrest or the detainee must be released. In practice the PA detained many Palestinians without charge for months.

Role of the Police and Security Apparatus.—Israeli security forces in the West Bank and Gaza consisted of the IDF, the Israel Security Agency (Shin Bet), the Israeli National Police (INP), and the Border Police, an operational arm of the INP that is under IDF command when operating in the occupied territories. Israeli military courts tried Palestinians accused of security offenses.

Palestinian security forces were under the authority of the PA.

Palestinian police were normally responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza. Palestinian security forces included the National Security Forces, the Preventive Security Organization (PSO), the General Intelligence Service, or Mukhabarat, the Presidential Security Force, and the Coastal Police. Other quasi-military security organizations, such as the Military Intelligence Organization, exercised the equivalent of law enforcement powers. The General Intelligence Law, signed into effect in October, placed the Mukhabarat under PA President Abbas's authority.

In April Abbas placed operational control of the security services under the interior minister. While the order was given to consolidate the security forces under the interior minister, this was not done in practice, and there were ongoing problems in the delineation of responsibilities, with no clear chain of command. In practice the Mukhabarat and the PSO maintained independent commands and reported directly to the president. On September 25, Abbas restructured the Palestinian Na-

tional Security Council, incorporating competing security interests. The PA lacked full control over security forces. On December 20, armed members of Fatah-affiliated Al-Aqsa Brigades briefly seized Bethlehem's municipal building, reportedly demanding employment.

PA security forces detained persons without informing judicial authorities and often ignored laws protecting detainee rights and court decisions calling for release of alleged security criminals. At year's end Palestinian sources estimated the PA imprisoned approximately 239 suspected of collaboration with Israel. Alleged collaborators often were held without evidence and denied access to lawyers, their families, or doctors.

Arrest and Detention.—Under applicable occupation orders, Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed or being likely to commit a security related offense. Israeli Military Order 1507 permits the Israeli security forces to detain persons for 10 days, during which period they cannot see a lawyer or appear before court. Administrative security detention orders could be issued for up to six-month periods and renewed indefinitely by judges. The law expressly authorizes an appeal of the circumstances of each security detention order to the Israeli Supreme Court. No detainee has ever successfully appealed a detention order under this process. Israeli Military Order 1369 provides for a 7-year prison term for anyone not responding to a summons in security cases. Suspects are entitled to an attorney, but this right can be deferred during interrogation, which can last up to 90 days. Israeli authorities stated that they attempted to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days.

Additionally, a military commander may request a judge to extend this period in security cases indefinitely. The Israeli military orders required notification of family members of specific cases of detention; however, many families reported serious problems in learning of the status and whereabouts of prisoners. Evidence for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification, but it was made available to the court.

Palestinians claimed that security detainees held under Israeli security detention military orders were in fact political prisoners. At year's end Israel held approximately 9,170 Palestinian security prisoners, of whom at least 740 were in administrative detention.

In February and June, the Israeli government released 898 Palestinians in accord with the February Sharm al-Shaykh agreement. Most had served more than two-thirds of their sentences.

During the year Israel conducted some mass arrests in the West Bank; however, most arrests targeted specific persons. Beginning on September 25, in response to rocket attacks from Gaza, the IDF arrested over 300 suspected Hamas and Palestinian Islamic Jihad activists in the West Bank in a period of days, including a number of Hamas municipal election candidates.

Palestinians transferred to prisons in Israel had difficulty obtaining legal representation because only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit them. However, in 2004 the government revised procedures to permit more access by lawyers, and more lawyers exercised access. Israeli authorities in some instances scheduled appointments but then moved the prisoners to other prisons to delay lawyer-client meetings for as long as 90 days.

The Israeli government frequently failed to notify foreign consular officials in a timely manner after detaining their citizens.

During the year Israel transferred one Palestinian from the West Bank to Gaza. On February 27, the IDF deported an 18-year-old Palestinian from Dheisheh refugee camp in Bethlehem to Gaza following his completion of a 14-month prison sentence. On February 20, Israel allowed 16 deportees to Gaza to return to the West Bank. At year's end approximately 40 others awaited permission to return to the West Bank.

e. Denial of Fair Public Trial.—The PA court system is based on Israeli military orders and legal codes, including Jordanian and Ottoman Law that predate the 1967 occupation. A High Judicial Council maintained authority over most court operations. In 2003 the PA justice minister ordered the state security courts terminated. However, Palestinian human rights groups charged the PA did not implement the justice minister's order adequately and called on the PA president to abolish these courts formally. On June 22, PA President Abbas ordered retrials for those sentenced to death by the state security courts. Military courts, established in 1995, have jurisdiction over police and security force personnel as well as crimes by civil-

ians against security forces. In November Abbas issued a decree establishing a court for election issues to be composed of nine judges.

PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. These problems predated PA jurisdiction and were aggravated by subsequent lack of PA attention. PA executive and security services frequently failed to implement court decisions and otherwise inhibited judicial independence.

Ongoing violence adversely affected PA administration of justice. Many police stations and incarceration facilities were damaged or destroyed. Travel restrictions, curfews, and closures significantly impeded administration of justice.

Israeli law provides for an independent judiciary, and the government generally respected this in practice. The IDF usually tried Palestinians accused of security offenses in the occupied territories in military courts. The law comprehensively defined security offenses and may include charges as varied as rock throwing or membership in outlawed terrorist organizations, such as Hamas or the Popular Front for the Liberation of Palestine. Military prosecutors brought charges. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal.

Trial Procedures.—Israeli military trials followed the same evidentiary rules as in regular criminal cases. The accused is entitled to counsel, and a judge may assign counsel. Charges are made available to the defendant and the public in Hebrew, but the court may order an Arabic translation. The court may hear evidence in security cases denied to the defendant or his attorney; however, a conviction may not be based solely on such evidence. Convictions may not be based solely on confessions, although in practice some security prisoners were convicted on the basis of allegedly coerced confessions by themselves and others. Defendants can appeal through the Military High Court or to the civilian high court in certain instances.

The Israeli government sometimes delayed trials for very extended periods because Israeli security force witnesses did not appear, the defendant was not brought to court, files were lost, or travel restrictions delayed attorneys (see section 2.d.). Palestinian legal advocates alleged that delays were designed to pressure defendants to settle their cases.

Crowded facilities, poor arrangements for scheduling and holding attorney-client consultations, and confessions prepared in Hebrew hindered defense efforts.

Israeli settlers were tried under Israeli law in the nearest Israeli district court. Civilian judges presided; Israeli law (not military orders) governed the standards of due process and admissibility of evidence. The Israeli government rarely prosecuted settlers for crimes against Palestinians and, in the rare instances when convicted, they regularly received lighter punishment than Palestinians convicted in Israeli courts (see section 1.a.). According to B'tselem, during the year the Israeli police claimed that it had conducted 299 investigations into reported settler attacks on Palestinians; indictments were filed in 65 of these investigations.

In May 2004 a Tel Aviv District Court convicted West Bank Fatah leader and PLC member, Marwan Barghuti, on three charges of murder and a charge of attempted murder involving terror attacks. Barghuti rejected the Israeli court's jurisdiction, did not mount a legal defense, and did not appeal the five consecutive life sentences he received. There was no further legal action during the year.

Pursuant to law the PA can impose the death penalty on a person convicted of any of 42 offenses. Military courts and state security courts have imposed most death sentences attributed to the PA. There is no judicial procedure to appeal these sentences, and only the PA president has the authority to ratify or alter the sentence. If the president does not act, the individual remains in jail.

On June 12, the PA executed four men, the first executions since 2002. The state security courts, established by the presidential decree in 1995 but terminated by the PA justice ministry in 2003, convicted one of the four executed men.

In November 2004 an Israeli military court delayed PLC member Husam Khader's trial until March 6. Khader was arrested in March 2003 for alleged involvement in Intifada-related violence. On November 27, after repeated delays, an Israeli military court sentenced Khader to seven years in jail for Intifada-related violence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The PA required the attorney general to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases police forcibly entered premises.

Under occupation orders an IDF officer of the rank of lieutenant colonel or above could authorize entry of private homes and institutions without a warrant, based

upon military necessity. On some occasions IDF personnel beat occupants and destroyed or looted property. Authorities stated that these were punishable violations of military regulations with compensation due.

Israeli security forces demolished and sealed the homes of Palestinians suspected of terrorism or the relatives of such suspects, without judicial review (see section 1.g.). According to B'tselem, from October 2001 to January, the Israeli government demolished 666 homes in the occupied territories as punishment. On February 17, Israeli Defense Minister Mofaz announced the cessation of punitive house demolitions.

On February 23, the IDF occupied a Palestinian home in Yatta village south of Hebron for two days. During the period the IDF confined seven family members, including three children and a sick elderly person, to one room.

Israel demolished many homes between the Rafah refugee camp and the border with Egypt on the grounds that some houses concealed tunnels used for weapons smuggling or provided cover for attacks against Israeli soldiers. However, there were no operations comparable to "Operation Rainbow" in May 2004, which destroyed 298 homes according to UN agencies and left approximately 3,800 persons homeless. Between 2000 and the Israeli withdrawal from Gaza, the IDF demolished approximately 1,500 buildings in Rafah making more than 15 thousand Palestinians homeless.

On August 21, IDF Chief of Staff Dan Halutz announced that there would be no legal action against the former IDF commander in the Gaza Strip, Ze'ev Zakai, for unauthorized demolition of 40 buildings in Khan Yunis. An IDF committee earlier determined that had Zakai requested permission to demolish the structures, it was reasonable to conclude he would have received it.

Israeli authorities limited Palestinian home construction, notably in East Jerusalem. Israeli authorities generally restricted Palestinian home building elsewhere in the West Bank and near Israeli settlements. According to the Israeli Committee Against House Demolitions (ICAHD), approximately 10 thousand structures in East Jerusalem were defined by the Israeli government as illegal; consequently, Jerusalem municipal authorities and the interior ministry systematically demolished such structures. In 2004 ICAHD reported over 150 buildings in East Jerusalem were destroyed, and 94 East Jerusalem structures were demolished during the year.

The IDF destroyed numerous citrus, olive, and date groves, and irrigation systems in Gaza, stating that Palestinians had been firing Qassam rockets from those areas. Human rights groups reported that over the past 3 years, 2,400 Palestinian olive trees were destroyed, mainly by Israeli settlers.

The IDF also cleared and took permanent control of privately owned Palestinian land to construct the separation barrier. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the separation barrier was approximately 243 miles long, with 166 miles under construction, and was projected to extend 670 miles upon completion. OCHA noted as of October, the Israeli authorities, through military orders, had confiscated approximately 8,785 acres of West Bank land to construct the separation barrier. According to Israel it sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Palestinians largely declined to seek compensation out of concern that this would legitimize the Israeli land confiscations. Additionally, numerous cases were filed in Israeli courts challenging the route of the fence.

Human rights monitors reported that the IDF provided greater protection to Palestinian farmers from Israeli settler attacks than they did in the past. Still, Palestinians complained that the IDF measures gave insufficient time to complete the harvest and that they were limited in their ability to protect their property by curfews and travel restrictions. On August 22, Israeli settlers inflicted considerable damage to Palestinian homes and cars near the settlement of Homesh, which was scheduled to be evacuated. No settlers were charged. In October and November, Israeli NGOs documented attacks by settlers on Palestinians and their property in Salem, Hebron, and the Khoruba Valley resulting, among other damage, in destruction of approximately 300 olive trees. Israeli authorities took no action against the settlers.

In February Palestinian residents of Madama village, south of Nablus, claimed to police that settlers from the nearby Yizhar settlement deliberately sabotaged the village's water supply. Israeli police opened an investigation; however, at year's end there were no developments in the case.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—Palestinian members of Hamas, Fatah-affiliated militant groups, and Palestinian Islamic Jihad attacked and killed Israeli civilians, foreign nationals, and soldiers, both in Israel and in the occupied territories. They used weapons in such a manner as to inflict casualties on noncombatants, such as suicide bombs,

rockets, and mortars. In addition they often fired at Israeli security forces from civilian population areas, increasing the risk that Israeli return fire would harm non-combatants. The PA took some steps to prevent terrorist attacks and banned the display of weapons in public, but these steps did not prevent or deter numerous attacks. Armed members of various groups ignored PA directives; PA security has not consistently prevented them from displaying weapons in public. During the presidential campaign, Fatah presidential candidate Abbas publicly called the armed Intifada counterproductive to Palestinian interests.

In March the PA and Palestinian factions agreed to uphold a *tahdiyah*, or period of calm, whereby armed Palestinian groups would refrain from attacks on Israeli targets; however, during the year militant factions broke this agreement killing and injuring Israelis.

According to the PA health ministry, the Palestine Red Crescent Society (PRCS), and B'tselem, at least 190 Palestinians were killed during Israeli military and police operations during the year. The IDF stated that the majority of Palestinians killed were armed fighters or persons engaged in planning or carrying out violence against Israeli civilian and military targets. According to the PRCS, IDF operations and clashes with Palestinians resulted in injuries to approximately 900 Palestinians.

According to a June HRW report, Israeli military investigative practices were not "impartial, thorough, or timely." The report charged that the IDF had criminally investigated less than 5 percent of the civilian deaths since the start of the second Intifada in September 2000 until November 2004, and this failure fostered a climate of impunity within the IDF. The IDF stated it conducted 130 investigations involving incidents where soldiers opened fire against regulations, and issued 28 indictments, with 7 convictions, and 1 acquittal; the remaining 20 court cases were ongoing. The other incidents were still under investigation.

The IDF conducted numerous military incursions into Palestinian population centers in response to Palestinian mortar and antitank fire from the centers. These actions often resulted in civilian casualties. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from aircraft at targets in residential and business neighborhoods where they believed Palestinian gunfire originated. Palestinians often used civilian homes to fire upon Israeli forces and booby-trapped homes and apartment buildings. In response the IDF usually raided, and often destroyed, these buildings.

On January 31, IDF gunfire killed a 10-year-old Palestinian girl and injured a second. Both girls were inside their UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) school in Rafah at the time of the incident. The IDF opened an investigation into the shooting; however, at year's end there had been no conclusion from the investigation.

In May 2004 in Rafah, two Palestinian children were shot in the head on the rooftop terrace of their home while performing household chores. Amnesty International (AI) concluded that IDF snipers killed both; Israeli army officials suggested an explosive device set by Palestinians killed them. At year's end there was no information on any further official investigation.

In October 2004 IDF soldiers shot and killed Iman al-Hams, a 13-year-old Palestinian schoolgirl, as she approached an IDF outpost in the southern Gaza Strip. The girl approached the outpost carrying a bag of schoolbooks that troops suspected contained explosives. After the girl had been shot from a distance, the IDF company commander allegedly repeatedly fired his automatic weapon into her at close range. In November 2004 an IDF military court indicted the company commander for illegal use of weapons, obstructing justice, unbecoming behavior, and improper use of authority. On February 6, the military court released the company commander after a soldier who witnessed the incident recanted his testimony. Another witness stated that he could not confirm that the company commander had aimed his weapon at the girl. At year's end the family of Iman al-Hams awaited a decision from the Israeli high court on their petition for a broader investigation into the case.

In October 2004 the IDF severely damaged the Gaza City wastewater treatment plant resulting in substantial damage to parts of the plant funded by a Western aid organization. An investigation was begun into the incident; however, the IDF stated that the plant was not intentionally targeted. The Western aid organization has received no further information on the status of the investigation.

IDF soldiers reportedly fired without warning on trespassers in or near restricted areas. On April 9, IDF soldiers shot and killed three Palestinian teenagers near the border fence separating Gaza from Egypt. Palestinians said the youths were playing soccer, but the IDF charged that they were attempting to smuggle weapons. The IDF ordered an investigation; however, at year's end the investigation was not complete.

On August 24, IDF personnel raided the Tulkarm refugee camp and killed five Palestinians. The IDF initially claimed that those killed were connected to terrorist attacks in Israel. A subsequent investigation, however, revealed that three of the five killed were unarmed teenagers while the two adults, shot at close range, were unarmed, low-ranking militants. The IDF chief of staff ordered a special inquiry into the IDF raid; however, at year's end there were no results from the inquiry.

During the year according to Palestinian security and media reports, the IDF targeted for killing at least 30 Palestinians suspected of involvement in terrorism. IDF forces killed at least five bystanders in these operations—some were civilians; others were affiliated with terrorist organizations. Approximately 50 others, mostly bystanders, were injured during these operations. On September 25, the Israeli government announced resumption on a limited basis of targeted killings; it had halted such killings following the February Sharm al-Shaykh summit.

Israeli security personnel operating checkpoints killed a number of Palestinians. On July 18, the IDF opened fire in the direction of Palestinians waiting to cross the Abu Holi checkpoint in the Gaza Strip and killed a 14-year-old Palestinian boy. The IDF opened an investigation into the incident; however, at year's end there were no results.

While protecting the construction of the separation barrier, Israeli security personnel killed a number of Palestinians. On May 4, cousins Jamal Jaber Ibrahim Assi, age 15, and Odai Mufid Mahmud Assi, age 14, were shot and killed near Bayt Liqya, west of Ramallah, during clashes between Palestinian protesters and soldiers. According to Palestinian witnesses, IDF soldiers initially fired rubber bullets and tear gas, but subsequently they fired live ammunition. The IDF ordered a Military Police investigation and suspended the deputy company commander from operational duty until the completion of the investigation. At year's end there were no conclusions from the investigation.

During the year Israeli forces delayed the movement of, and occasionally fired upon, medical personnel and ambulances.

On January 26, the IDF fired upon a PRCS ambulance that was being driven to evacuate an injured person near Qalqilya.

On February 10, the IDF denied access to a PRCS ambulance transporting a pregnant woman in the Gaza Strip from al-Mawassi enclave to a hospital in Khan Yunis. The security officials delayed access for over two hours before finally denying it.

On April 8, clashes occurred at the Qalandiya checkpoint between the IDF and Palestinian youths who were prohibited from entering Jerusalem for Friday prayers. Two Palestinians were shot.

The IDF abuse of Palestinians or their vehicles at checkpoints continued. In its 2004 report, Machsom Watch (an Israeli women's organization that monitors checkpoints in the West Bank and Jerusalem) alleged a series of abuses. On October 4, IDF soldiers manning the Huwwara checkpoint, south of Nablus, beat and kicked a Palestinian man, according to representatives from Machsom Watch. The Palestinian, who was hospitalized with a concussion and required stitches to his face, said that the beating occurred following an argument with an IDF soldiers on duty at the checkpoint.

Palestinians frequently threw stones and Molotov cocktails, and on occasion fired live ammunition at Israeli security forces. Israeli security forces on various occasions responded with tear gas, rubber bullets, and live fire, including tank fire.

Israeli forces used Palestinians as "human shields" in violation of Israeli law. In 2002 the Israeli high court granted an injunction against the use of Palestinians as "shields" for Israeli forces. The IDF admitted violations of existing procedures and reiterated that IDF forces "are absolutely forbidden to use civilians of any kind as a means of 'living shield' against gunfire or attack by the Palestinian side, or as 'hostages.'" On October 6, the Israeli high court ruled that it was illegal for the IDF to use Palestinian civilians as "human shields" during arrest operations against suspected Palestinian militants. The IDF chief of staff ordered the Israeli army to implement the high court decision immediately.

Prior to the high court decision, on May 23, an Israeli television news report showed footage of an IDF soldier aiming a rifle with a teargas grenade while standing behind a 17-year-old blindfolded Palestinian in Dura village, west of Hebron. The television report claimed that the IDF used the Palestinian as a shield against rock-throwers. The IDF denied the allegation, stating that IDF personnel arrested the Palestinian for throwing rocks at soldiers and kept him under guard until transferring him to police custody.

On August 31, IDF soldiers entered the home of Mahmud Rajabi in Hebron and reportedly detained three members of the family to serve as human shields. The IDF commander of the operation reportedly said that the soldiers used the brothers

to prevent rock and bomb throwing at the soldiers in the house. On September 2, the soldiers vacated the premises.

In September 2003 B'tselem and the Association for Civil Rights in Israel petitioned the high court to open military investigations into all cases where IDF soldiers killed Palestinians who had not engaged in hostilities. At year's end the high court had not ruled on the petition.

On July 27, the Knesset approved an amendment to the Civil Wrongs Law that would prohibit Palestinians residing in the occupied territories from seeking compensation for death or injury at the hands of the IDF or property damage. The amendment prohibits "a national of an enemy state or resident of a conflict zone" from bringing claims against Israel in an Israeli court. On September 1, nine Israeli and Palestinian human rights organizations petitioned the high court for a temporary injunction. The high court was scheduled to hold a hearing on March 1, 2006.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The PA does not have laws providing for freedom of press; however, the law permits every person the right to freedom of thought, conscience, and expression, and the right to express opinions orally, in writing, or through any other form. However, a 1995 presidential decree included injunctions against writing anything critical of the PA or the president. Although the PA did not restrict freedom of speech or press, members of the ruling Fatah faction restricted freedoms of speech and press.

Working conditions for journalists in the West Bank and Gaza improved noticeably during the year. The democratic election of Mahmud Abbas as president of the PA in January improved press freedom and working conditions for journalists. Self-censorship and fear of being harmed or harassed by armed activists and militant groups remained the greatest challenges for journalists working in the West Bank and Gaza.

On May 15, in an apparent act of intimidation, unknown individuals spray-painted the vehicle of a Palestinian journalist in the Gaza Strip. PA police declined to investigate. In the same month, Palestinian journalists in Gaza went on strike for a week to protest PA police beating journalists.

On July 19, the Palestinian Journalists Syndicate, controlled by the Fatah movement, instructed local reporters and photographers not to cover clashes between Hamas and Fatah in the Gaza Strip and warned that any violation of its instructions would bear personal and legal consequences.

There were three Palestinian dailies and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids. The PA operated two television stations and one radio station. There were approximately 30 independently owned television stations and approximately 9 such radio stations. According to an August study published by the Palestinian Center for Public Opinion, approximately 38 percent of Palestinians in the occupied territories had access to the Internet.

The PA took steps to end incitement in Palestinian media. During the year the Palestinian Broadcasting Corporation (PBC) reduced its inflammatory material, including incitement to violence. PA Minister of Information, Nabil Sh'ath, instructed the PBC in February to eliminate images of dead bodies and other graphic footage and inflammatory videos. The PBC also no longer broadcast nationalistic songs that typically called for fighting the "Zionist enemy."

The Israeli occupation authorities limited speech. In East Jerusalem Israeli authorities prohibited display of Palestinian political symbols; displays were punishable by fines or prison, as were public expressions of anti-Israeli sentiment and of support for Islamic extremist groups. Israeli authorities censored press coverage of the Intifada and reviewed Arabic publications for security related material.

As a general rule, Israeli media covered the occupied territories, except for combat zones where the IDF temporarily restricted access. The government claimed restrictions were necessary for journalists' security.

Closures and curfews limited the ability of Palestinian journalists to do their jobs. Between June and August, the government restricted media access to settlements in Gaza and the northern West Bank that it was evacuating. Journalists complained of area closures, long waits at the Gaza border crossing, and the government's inadequate transportation provisions.

On July 4, the IDF detained an Israeli television reporter and a newspaper photographer covering IDF removal of Israeli activists from a hotel in the Gaza settlement of Gush Katif. The IDF claimed that the journalists violated a closed area order but apologized for handcuffing them.

On August 15, the PA and the Palestinian Journalists Syndicate accused the Israeli government press office of refusing to accredit Palestinian journalists before

and during the disengagement from Gaza in an apparent effort to prevent local journalists from reaching settlement areas and covering events.

There were several allegations from foreign media that the IDF fired upon journalists.

On January 2, Majdi al-Arabid, a journalist working in the Gaza Strip, was shot in the stomach near Bayt Lahia while reporting on IDF operations against Palestinians suspected of firing rockets into Israel. Reportedly al-Arabid attempted to identify himself before being shot. An IDF spokesperson said that soldiers were unaware that journalists were in the area. The IDF reportedly opened an investigation; however, at year's end there was no information on the status of that investigation.

During the year Israeli gunfire injured at least one journalist during clashes between the IDF and Palestinians. IDF soldiers beat journalists on several occasions, detained others, and confiscated their press cards in Bil'in village where there were weekly protests over construction of the separation barrier.

In May 2003 James Miller, a British national, was killed by the IDF while filming a documentary in Rafah in the Gaza Strip. On April 14, after an investigation a disciplinary military court hearing acquitted an IDF officer on charges of illegal use of firearms. The IDF decided in March not to prosecute the officer on criminal charges. On April 21, the IDF announced that it had filed an appeal to reopen proceedings against the officer. At year's end there was no information regarding the status of the appeal.

In April 2003 an IDF soldier killed Nazeeh Darwaza while he was filming a wounded child during an IDF incursion in Nablus. In June 2004 Israeli government officials informed B'tselem that the military attorney general was investigating the case. At year's end there was no further information.

Rising levels of lawlessness in the Gaza Strip subjected journalists to harassment and kidnappings. On August 15, unidentified gunmen in the Gaza Strip kidnapped French journalist Muhammad Ouathi, who was covering the Israeli disengagement from Gaza. On August 22, the kidnappers released Ouathi.

On October 12, gunmen kidnapped two Western journalists as they traveled near Khan Yunis in the Gaza Strip. The armed men reportedly had sought employment with the PA security services. The kidnappers released both journalists approximately six hours later.

The PA had authority over all levels of education. During the year the PA did not interfere with education; however, the violence and restrictions on the movement of Palestinians by Israeli security forces adversely affected academic institutions. Israeli closures, curfews, and the separation barrier restricted access to Palestinian academic institutions. The separation barrier also prevented some students from taking examinations. Israeli shelling and gunfire during military operations damaged a number of schools and, in some cases, killed schoolchildren (see section 1.g.). According to the UN Children's Fund (UNICEF), 269 school buildings were damaged between 2000 and the end of the year. The PA education ministry calculated physical damage to schools and universities at more than \$10 million (46 million NIS). In some instances Israeli authorities entered campuses to arrest students.

In September Israeli authorities required thousands of Palestinian schoolchildren, who resided on the eastern side of the separation barrier around Jerusalem, to transit gated checkpoints to attend school in East Jerusalem. West Bank teachers who worked in East Jerusalem schools faced difficulties in acquiring permits to reach their classrooms; many did not receive permits until December.

In November 2004 a remote control bomb exploded in the office of Yaser al-Madhoun, a Palestinian professor at al-Azhar University in Gaza City, and killed him; another Palestinian was injured. At year's end PA police continued the investigation.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—PA law permits public meetings, processions, and assemblies, within legal limits; however, the PA imposed some formal limits on freedom of assembly. While it required permits for rallies, demonstrations, and large cultural events, it rarely denied these permits. In Gaza police approval was required for political meetings at specific halls and for buses to transport passengers to attend such meetings. The PA prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions.

Israeli military orders banned public gatherings of 10 or more persons without a permit; however, Palestinians could ignore this order without punishment.

Israeli security forces used force against Palestinians involved in demonstrations (see section 1.c.). Israeli and Palestinian authorities disputed whether Palestinians

attacked security forces during such demonstrations. In 2001 the IDF authorized gunfire to suppress rock-throwing.

Since February Palestinians and Israelis have demonstrated repeatedly in the village of Bil'in, west of Ramallah, against construction of the separation barrier. Throughout the year confrontations between the IDF and protesters resulted in numerous injuries. Soldiers beat, injured with rubber bullets, or tear gassed at least 160 protesters.

Freedom of Association.—PA law allows for the freedom of association. The PA limited freedom of association somewhat; however, charitable, community, professional, and self-help organizations operated.

In 2001 Israeli officials closed Orient House, the preeminent Palestinian political institution in Jerusalem. In 2002–03, Israel closed other prominent Palestinian centers and offices in East Jerusalem. Israeli authorities claimed that these institutions operated under PA supervision in violation of signed agreements. At year's end all remained closed.

c. Freedom of Religion.—Palestinian law provides for religious freedom, and the PA generally respected this right in practice; however, there was deterioration in the status of the PA's respect for religious freedom.

Islam is the official religion of the PA. Religion must be declared on identification papers, and personal status legal matters must be handled in ecclesiastical courts. The PA's Ministry of Waqf and Religious Affairs constructed and maintained mosques and paid salaries of imams. Christian clergymen and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories; these areas were generally under Israeli control.

The PA judiciary failed to adjudicate numerous cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs. There were credible reports that PA security forces and judicial officials colluded with gang members to extort property illegally from Christians. Several attacks against Christians in Bethlehem went unaddressed by the PA, but authorities investigated attacks against Muslims in the same area.

Following Israeli disengagement from Gaza, Palestinian crowds set fire to 4 of 19 abandoned synagogues but caused little structural damage. The PA announced plans to demolish the remaining synagogues and did so by year's end.

The PA required that religion be taught in PA schools and provided separate instruction for Muslims and Christians.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions. There were reports that the Israeli government seized land belonging to several religious institutions to build its separation barrier. However, according to the Israeli government, it sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation.

Throughout the year Israeli authorities granted more visa requests for Christian clergy; however, problems persisted with over 30 requests outstanding. The shortage of foreign clergy impeded the functioning of Christian congregations.

Internal and external closures prevented tens of thousands of Palestinians from reaching places of worship in Jerusalem and the West Bank, particularly during religious holidays. Citing security reasons the Israeli government frequently prevented nearly all West Bank Palestinians and most male Muslim worshippers with Jerusalem blue identification cards under the age of 45 from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam. Israeli authorities restricted most West Bank residents and virtually all Gaza residents from entering Jerusalem during Ramadan, the Muslim holy month of prayer and fasting.

Israeli police continued to escort tourists to the Haram al-Sharif/Temple Mount to assert the right of non-Muslims to visit the shrine. Non-Muslims were not permitted to worship publicly at the shrine; however, Waqf officials accused Israeli police of permitting Jewish groups to worship.

Societal Abuses and Discrimination.—Palestinian media frequently published and broadcast material about the Israeli occupation that included anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism. Some Muslim religious leaders preached sermons on the official PA television station that included expressions of anti-Semitism. On the positive side, on October 28, Israeli media quoted PLO Chief Negotiator Sa'eb Erekat's statement that the Iranian president's declaration that Israel should be wiped off the map was "unacceptable."

On May 13, Ibrahim Mdaires, an imam in Gaza, accused Jews of inflating the dimensions of the Holocaust. On May 19, media quoted PA Minister of Information

Nabil Sh'ath as calling for Mdaires' suspension from the PA religious affairs ministry and Muslim Waqf (religious trust), which employed Mdaires, and banned him from delivering Friday sermons. At year's end Mdaires was not delivering Friday sermons.

The PA Ministry of Education and Higher Education (MOEHE) continued to revise its primary and secondary school textbooks. International academics concluded that Palestinian textbooks did not cross the line into incitement; however, critics noted the new textbooks did not recognize Israel on its maps and often ignored historical Jewish connections to Israel and Jerusalem.

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

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation.—The PA generally did not restrict freedom of movement. The Israeli occupation authorities often restricted the daily movement of Palestinians and frequently heightened these restrictions citing military necessity.

The Israeli government continued construction of a security barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. Palestinians filed a number of cases with the Israeli Supreme Court challenging the routing of the barrier. In June 2004 the court ruled that a section of the barrier must be rerouted; determining that the injury caused by the routing of the barrier did not stand in proper proportion to the security benefits; various portions of the barrier route were rerouted. In July 2004 the International Court of Justice issued an advisory opinion, concluding that the construction of the barrier was in a number of aspects contrary to international law.

In September the Israeli Supreme Court reaffirmed its earlier decision that the separation barrier is permissible under both international law and Israeli law; however, it questioned whether the segment of the barrier at issue utilized the least intrusive route available, and it asked the government to consider whether there was an alternative route. The court further found that in September there were 43 remaining petitions regarding other portions of the wall that now would be decided by the court.

At the end of the year, the route of the barrier divided approximately 142,641 acres with a population of 49,400 Palestinians from the rest of the West Bank. According to OCHA the barrier impeded Palestinians from reaching their land to harvest crops and graze animals. Residents' access to schools, medical care, and other services was also impeded. In October 2003 Israeli military orders required the approximately five thousand Palestinians residing in "seam zones" between the separation barrier and the Green Line to obtain residency permits to remain in these areas. Permits are valid for up to a year for residents and only for one gate.

Areas near the barrier or its projected route have been designated as military zones; Palestinians had no expectation they could obtain permits to build near Israeli communities or the barrier.

During periods of unrest (in the aftermath of terrorist attacks or during military exercises), Israeli authorities prohibited travel between some or all towns within the territories. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the territories. During the year there were no extended blanket closures, although several Gaza crossing points were simultaneously closed for extended periods, completely closing off Gaza. During most of the year, Israeli authorities prohibited passage between Gaza and the West Bank. At year's end bus convoys outlined in the November 15 Agreement on Movement and Access had not begun. On September 7, Israeli authorities closed the Rafah terminal. Following the disengagement from Gaza, the PA and Egypt periodically opened the terminal to pedestrian traffic. On November 25, the Rafah terminal reopened, marking the first time the PA independently operated an international border crossing, although under European Union monitoring. At year's end as a general rule, only Palestinian identification holders could transit this crossing.

On December 28, Israeli authorities, in response to Qassam rocket fire, implemented a "buffer zone" in the northern Gaza Strip encompassing former Israeli settlements. Palestinian militants had used the area to fire rockets at Israeli communities.

Since 1993 Palestinians could enter East Jerusalem only with a travel permit issued by Israeli authorities. Israel also imposed curfews in some areas, which confined Palestinians to their homes in areas where the IDF conducted military operations. Following the June 12 suicide bombing in Netanya, the IDF imposed a curfew on Tulkarm lasting over three days. On June 20, the IDF imposed a curfew on Baqa al-Sharqiyah, near Tulkarm, for one and a half days following the killing of an Israeli civilian (see section 1.a.). In December 2004 a terrorist attack extensively

damaged the Rafah terminal and killed five Israeli soldiers. The IDF closed the terminal until February 1.

The PA issued passports for Palestinians in the West Bank and Gaza. Because there are no commercial flights from the territories, travelers must depart by land into Jordan or Egypt. Transit passes for travelers using Ben Gurion airport were not available, except for a few humanitarian cases. NGOs claimed that Israeli authorities harassed their representatives who were attempting to enter via Ben Gurion airport.

Palestinians with Jerusalem identification cards issued by the Israeli government needed special documents to travel abroad. Upon request the Jordanian government issued passports to Palestinians in the West Bank and East Jerusalem. Palestinians in East Jerusalem who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. Travelers could obtain applications for bridge-crossing permits to Jordan at East Jerusalem post offices. Screening was conducted at Allenby Bridge.

External and internal closures contributed to increased unemployment and poverty. Approximately 146 thousand West Bank and Gaza workers, representing approximately 25 percent of the Palestinian work force, depended on day jobs in Israel, Israeli settlements, and Jerusalem. Closures impeded Palestinians from reaching jobs or markets in the occupied territories and disrupted internal and external trade. The unemployment rate was estimated at 28 percent at year's end. In addition Israel's strict closure policies frequently restricted the ability of Palestinians to reach places of worship.

In November 2004 the IDF arrested four Birzeit University students from Gaza who lacked permits to stay in the West Bank and returned them to Gaza. Since 2000 many of the 350 Gazans enrolled in Birzeit returned home after West Bank permits expired. During the year there were approximately 35 Gazans studying at the university, many of whom had not seen their families in 4 years.

Apart from closures, delays at checkpoints and roadblocks affected all aspects of life, particularly emergency health care. According to OCHA in the West Bank at year's end, there were 463 obstacles to movement, including 49 fully manned checkpoints, 10 occasionally manned checkpoints, 261 earth mounds blocking roads, 54 cement roadblocks, 53 road gates, 15 earthen walls, 10 trenches, and 11 road protection fences. In addition there were 65 gates along the separation barrier. Of the gates along the separation barrier, 27 were accessible to Palestinians in possession of permits, 27 were for the IDF and closed to Palestinian traffic, and 11 gates were opened only during the olive harvest season. The operating hours of the accessible gates to Palestinians were sometimes limited and irregular.

According to comments quoted in the Israeli press, on September 6, Defense Minister Mofaz instructed IDF soldiers to display "no pity" at checkpoints in the West Bank, adding that security concerns were paramount to any delays or anger of those having to pass through the checkpoints.

According to OCHA the 463 obstacles to movement in the West Bank, compared with 680 in November 2004, 605 in April, and 376 in August. The reduction since November 2004 stemmed from the removal of earth mounds and concrete roadblocks and from the completion of the separation barrier in some areas. Although ambulance response times improved as Israeli authorities issued additional permits, many problems remained, including for ambulances attempting to reach remote West Bank villages.

Villagers from Jayyus, in the West Bank, were unable to exit the village to tend fields or graze sheep. On April 8, the Israeli civil administration (Qalqilya region) notified Jayyus residents that the IDF intended to confiscate eight *dunums* (approximately three acres) of their farmland along the Palestinian side of the separation barrier to create a security road. The civil administration also reportedly told residents that the IDF would close two barrier gates that provided the only available access to their land on the barrier's western side. Palestinians said the confiscation and closures would bar them from land they own and rely on for income. At year's end only Palestinian farmers with valid permits from the civil administration could access Jayyus lands west of the barrier; during the year Israeli authorities rejected 118 applications for access permits.

On February 15, a Palestinian woman gave birth at the Qalandiya checkpoint with assistance from PRCS medical staff after the IDF prevented her husband from crossing the checkpoint in his vehicle. Israeli officials forbid Palestinian-plated vehicles from crossing at the Qalandiya checkpoint.

On April 12, a Palestinian male died in a PRCS ambulance at the Bayt Iba checkpoint after a 20-minute delay by IDF authorities. PRCS medics failed to revive the man, who was being transported to a hospital in Nablus.

On March 13, Israeli settlers from Ma'on attacked and beat Palestinian shepherds from Jawayah village grazing sheep in an agricultural area near the Ma'on settlement. The following day settlers from Ma'on shot at and attacked the Palestinian shepherds. Israeli authorities have not implemented adequate measures to protect the Palestinians from such abuses.

Palestinians residing in the Israeli-controlled section of Hebron (H2), which includes the Old Arab Market and areas adjacent to four Israeli settlements, faced extensive restrictions on movement. According to OCHA there are 101 significant obstacles to movement in H2. Access for Palestinians to the Old City was limited to six IDF-controlled gates. IDF closures of businesses, prolonged curfews, and settler harassment forced Palestinian shopkeepers to relocate. Of the 1,610 shops officially licensed in H2 before September 2000, more than a thousand closed, one-third by military order. Attendance at 3 Palestinian schools near 4 Israeli settlements in Hebron declined by almost 50 percent. These children were harassed when attempting to walk to the schools.

Israel offered Palestinian residents citizenship following its 1967 occupation of East Jerusalem. Most chose not to accept Israeli citizenship but instead sought a residence permit, known as a Jerusalem identification card. Under the law such residents risk loss of status if their ties with Jerusalem lapse, although human rights groups reported that such revocations were infrequent and selectively enforced. In July 2004 an Israeli ministerial committee reportedly adopted an unpublished resolution calling for the application of the 1950 Absentee Property Law to East Jerusalem. On February 1, the Israeli attorney general ordered the government not to apply the Absentee Property Law to land and buildings in East Jerusalem owned by Palestinians living in the West Bank; in point of fact, the government apparently had not attempted to implement that law in East Jerusalem.

The Israeli government, under the interior ministry, and the Jerusalem municipality continued to demolish Palestinian houses and other structures in East Jerusalem constructed without building permits. It was a slow and expensive process for Palestinians to receive permits to build in East Jerusalem.

Residency restrictions affected family reunification. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or who subsequently lost residence permits, to reside permanently with their families in the occupied territories. It was difficult for foreign-born spouses and children of Palestinian residents to obtain residency. Palestinian spouses of Jerusalem residents must obtain a residency permit and reported delays of several years before being granted residency. The Israeli government occasionally issued limited-duration permits, but renewing the permits could take up to eight months, which resulted in many Palestinians falling out of status. Palestinians in East Jerusalem also reported extensive delays in registering newborn children with Israeli authorities.

Neither the Israeli government nor the PA used forced exile or forcibly deported anyone from the occupied territories during the year.

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

Elections and Political Participation.—Following the November 2004 death of PA Chairman Yasir Arafat, Palestinians elected Mahmud Abbas as PA president on January 9. Seven candidates competed in a vigorous election campaign. The Israeli government and the PA followed the 1996 parameters for Palestinians residing in East Jerusalem to vote, but inadequate arrangements kept turnout in Jerusalem low.

In December 2004 the PA held municipal elections in 26 West Bank localities for the first time since 1976. The PA held additional municipal elections in Gaza on January 27; a second round of elections on May 5 in Gaza and the West Bank; a third round on September 29 in the West Bank; and a fourth round on December 15 in the West Bank. Domestic and international election observers found these elections met democratic standards, while noting several technical and procedural problems. The PA had yet to schedule additional rounds of municipal elections in the remaining West Bank and Gaza municipalities.

The 88-member PLC and Chairman of the Executive Authority were elected in 1996 in a process that international observers concluded generally met democratic standards, despite some irregularities. The PLC rescheduled legislative council elections from July to January 25, 2006.

On November 28, violence and reported fraud disrupted voting in primary elections to determine Fatah candidates for the January 25, 2006, legislative council elections; primary elections were suspended in Gaza and the West Bank. Efforts to organize the electoral system, candidate and party lists, and campaign rules continued through year's end.

In September 2004 the Palestinian cabinet adopted a one-year reform action plan, approved by the PLC to create a more equal balance of power between the executive and the PLC and to introduce greater accountability and transparency in its governance. The March 1 Quartet-sponsored London meeting provided additional support to the PA's efforts to reform government transparency and improve the economy. During the year the PA made little progress.

While Palestinians with residency permits were eligible to vote in Jerusalem municipal elections, most did not recognize Israeli jurisdiction in Jerusalem and did not participate. There were no Palestinians on the Jerusalem City Council.

During the year there were 5 women on the 88-member PLC, and 2 women served in ministerial-level positions. There were six Palestinian Christians in the PLC.

Israeli authorities restricted Palestinian political activity, especially in East Jerusalem where several candidates in the January PA presidential elections were detained after attempting to campaign without a permit.

Government Corruption and Transparency.—There was a widespread public perception of PA corruption, notably within the security forces. Many social and political elements called for reform. The PA security forces made little progress in rationalizing the security forces payroll and rooting out corruption in the services. On September 18, Abbas appointed a new attorney general to focus on corruption. Local NGOs praised the appointment and hoped he would effectively address PA corruption. At year's end the attorney general had announced investigations into several corruption cases. PA members and the general Palestinian public widely criticized the growing lawlessness inside the West Bank and Gaza and the failure by PA security forces to provide security.

The law requires official PA institutions to "facilitate" acquisition of requested documents or information to any Palestinian; however, the law does not require any PA agency to provide such information. Many Palestinians cited the law when seeking to acquire information; however, there were no PA court cases. NGOs sought to make it mandatory to provide information to Palestinians; however, there was no action during the year.

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

Local Palestinian human rights groups and several international organizations monitored the PA's human rights practices. By the end of the year, approximately 305 NGOs were registered; another 45 remained in processing.

PA officials usually met NGO representatives. Since the beginning of the Intifada, public NGO criticism was somewhat less forthcoming; several NGOs voluntarily decided to defer criticism of the PA's human rights performance. Observers noted documentation of abuses was very limited. NGOs, however, criticized the PA's inadequate security performance.

In March 2004 in Gaza City, unknown assailants shot and killed Khalil al-Zaban, a journalist and advisor to then PA president Arafat on human rights and the media. Al-Zaban headed the PA's government-appointed NGO Council and published its monthly newsletter. He criticized both Islamic militancy and those critical of the PA, particularly on human rights. At year's end the killers and their motives remained unidentified.

Some PA security organizations, including the General Intelligence Service in the West Bank and the police, appointed officials as liaisons with human rights groups. These officers met human rights organizations and diplomats to discuss human rights cases.

Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli government's practices in the occupied territories. The Israeli government permitted human rights groups to publish and hold press conferences and provided the ICRC and other groups with access to detainees (see section 1.c.). Some organizations criticized Israeli government practices and cooperation. During the year Israel established direct contact with NGOs and human rights groups. Human rights groups, however, continued to report that Israeli closures impeded and, at times, completely prevented their work.

In October 2004 members of the Christian Peacemakers Teams, AI, and an Italian NGO ("Operation Dove") escorted Palestinian children from the village of Tuwani to a nearby school. While walking past the settlement of Ma'on, masked settlers attacked the escorts with baseball bats, seriously injuring a volunteer. At year's end the assailants had not been identified or apprehended.

In January 2004 Thomas Hurdall, a British International Solidarity Movement (ISM) activist, died from injuries sustained in 2003 when an IDF soldier shot him as he attempted to move Palestinian children to safety during clashes in Rafah. On August 11, an IDF court sentenced Sergeant Wahid Taysir, earlier convicted of man-

slaughter and obstruction of justice in Hurndall's killing, to eight years in prison. At year's end Taysir had begun serving his prison sentence.

On March 16, 2003, an Israeli bulldozer clearing land in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a US citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Corrie was in front of the bulldozer as he proceeded forward. IDF investigations concluded that the operator was not negligent. US officials who have seen the IDF report found inconsistencies among the statements of those observing the incident. Some observers continue to raise questions concerning whether the investigation was thorough, credible, and transparent, and the Corrie family continued to pursue the case. In conjunction with the report of the IDF Judge Advocate General, the IDF implemented two remedial procedures for improved safety: the presence of more senior officers to oversee such operations and the designation of closed military zones with orders forbidding the presence of civilians in areas where IDF military operations are conducted.

In April 2003 gunfire from an undetermined source struck ISM activist Brian Avery. The IDF denied responsibility for the incident. Avery was walking outside during curfew in Jenin when an IDF armored personnel carrier approached him. In December 2004 a lawyer petitioned the Israeli high court to require military authorities to investigate Avery's shooting. According to B'tselem an IDF internal investigation concluded it was impossible to determine whose gunfire hit Avery. On February 28, the high court ordered the IDF to investigate the incident further; however, the Judge Advocate General, following the interview of civilian eyewitnesses, decided not to launch a criminal investigation. At year's end the high court had not decided whether to order the IDF to open a criminal investigation.

In 2003 Israel began requiring foreigners entering Gaza to sign a waiver providing that "the Government of the State of Israel and its organs cannot be held responsible for death, injury and/or damage/loss of property which may be incurred as a result of military activity." The requirement continued on a selective basis throughout the year.

UNRWA and other groups reported improvement in transporting goods to Palestinian refugees in the occupied territories, with some reported delays. Since October 2004 Israeli authorities have often denied UNRWA's staff access to the Barta'a area in the West Bank, due to lack of permits to enter the seam zone. UNRWA staff also reported some abuse and intimidation at the seam zone gates by IDF personnel.

UNRWA staff in the West Bank and Gaza had been harassed and staff members kidnapped by Palestinians. On May 18, three armed Palestinian gunmen entered an UNRWA clinic in the al-Fariah refugee camp in the northern West Bank, threatened an UNRWA doctor, fired shots into the air, proceeded to the UNRWA girls' school, threatened the school's principal, and demanded the school dismiss one of the teachers.

On August 8, the ICRC suspended operations in Gaza after unidentified Palestinians fired bullets at its offices in Khan Yunis. On August 16, the ICRC resumed operations after receiving PA security assurances.

For four years Israeli authorities have denied access to Gaza to Physicians for Human Rights, which offered weekly "mobile clinics" in Palestinian villages, and the group had only limited access to the West Bank.

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

The law states that all Palestinians are equal without discrimination because of race, gender, color, religion, political views, or disability.

Women.—There was no reliable data on the incidence of violence against women. PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. There were reports that Palestinian domestic violence had increased since 2000. Human rights groups reported an increase in family "honor" killings during the year.

During the year family members killed four women and injured another in so-called honor crimes, according to human rights groups. On May 2, two sisters from East Jerusalem were strangled and a third severely injured by their older brother. One sister reportedly engaged in an extramarital relationship, and the others tried to intervene to save her. On April 30, the father of a Palestinian Christian woman from Ramallah fatally bludgeoned her, reportedly in response to her relationship with a Palestinian Muslim. In September clashes erupted between Christians in Taybeh and Muslims from nearby villages after the family of a Muslim woman killed her for reportedly engaging in a relationship with a Christian man.

Rape is illegal, but its legal definition does not address spousal rape.

Women's shelters do not exist. Women generally approached village or religious leaders for assistance.

Prostitution is illegal. There was no openly practiced prostitution.

There were no special laws regarding women's rights in the workplace. Before 2000 women increasingly worked outside the home, often encountering discrimination and, occasionally, sexual harassment. Women were underrepresented in professional life, although a small group was prominent in politics, medicine, law, teaching, and NGOs.

Palestinian women endured social prejudice and repression. Education and cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families often disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment.

For Muslims personal status law is derived from Shari'a (Islamic law). Ecclesiastical courts rule on personal status issues for Christians. Shari'a pertaining to women is part of the 1976 Jordanian Status Law, which includes inheritance and marriage laws. Women can inherit under Shari'a but not an equal share. Legally, men may take more than one wife; the practice was rare. Women may make "stipulations" in marriage contracts to protect their interests in divorce and child custody; however, only an estimated 1 percent did so. Children often stayed with the mother after divorce. Until a child reached legal maturity, men paid child support and alimony, depending on the man's income.

Children.—Although MOEHE's stated commitment is to provide children access to educational facilities and ensure their welfare, it must rely on the international community for assistance to build capacity for child protection and development.

The PA provides for compulsory education through the ninth grade. The MOEHE and Central Bureau of Statistics contrasted 2004–05 basic school enrollment (89.2 percent in grades 1 to 10) with much lower enrollment at the secondary stage (10.8 percent in grades 11 and 12), concluding this indicated a significant dropout rate. Girls who married before the ninth grade left school at the behest of husbands, and in rural areas and refugee camps, boys left school to help support their families.

Internal closures, checkpoints, and the separation barrier significantly impeded students and teachers in reaching educational facilities (see sections 2.a. and 2.d.).

In areas under curfew, all classes were cancelled. In 2004 and during the year, the number and frequency of curfews declined; the majority of restrictions centered around closures. Prior to the Israeli withdrawal from Gaza in August, one thousand UNRWA teachers in the south of Gaza had to travel through checkpoints to schools in north and central Gaza. Nearly 76 percent of UNRWA's schools operated double-shifts with average classrooms of 40.5 pupils.

Education and health care professionals judged that the violence produced lack of focus, nightmares, and behavioral problems. OCHA reported during the year that 42 percent of students in Gaza recorded lower school achievement since 2000. One-third of Palestinian children have had their education disrupted.

OCHA reported that since September 2000, Palestinian universities had approximately \$4.85 million (22.3 million NIS) of infrastructure destroyed due to Intifada violence, while Palestinian schools suffered \$5.2 million (23.9 million NIS) of damage. According to the MOEHE, 4 percent (150 thousand students) of the Palestinian population pursued higher education studies at 11 universities, 5 university colleges, and 25 society colleges in the West Bank and Gaza.

According to a 2003 report by the Jerusalem Center for Social and Economic Rights, Palestinians constituted 33 percent of the city's total population, but the municipal budget accorded to East Jerusalem was only 10.9 percent. As a result East Jerusalem schools were underfunded and overcrowded, and schools refused to enroll new students due to lack of classroom space.

In 2001 the Israeli high court ordered the municipality to build 245 new classrooms within the next 4 years. Over the past 4 years, the municipality budgeted for 47 new East Jerusalem classrooms; however, none were built. Of the 161 classrooms built in East Jerusalem within the last 4 years, 148 were budgeted during the 1990s and under construction at the time of the 2001 ruling. At year's end no classrooms were under construction.

On September 11, 10 thousand East Jerusalem students stayed home after their parents called a strike to protest lack of classrooms and "intolerable" conditions. The Israeli education ministry blamed East Jerusalem residents, claiming classroom shortage resulted from residents' refusal to sell land for school construction.

In August Palestinian teachers living in the West Bank were directed to obtain permits to cross the checkpoints to reach their schools in East Jerusalem. After extended delays, by December 21, authorities issued 237 of a total of 249 requested. In the interim the MOEHE used substitute teachers and asked teachers with access to East Jerusalem to carry a double load of classes.

The PA health ministry immunized children, and PA insurance provided basic children's medical care, for a small monthly fee. The latest available figures showed a slight improvement in nutrition from 2003 when 3.4 percent of Palestinian children suffered from acute malnutrition and 10.7 percent suffered from chronic malnutrition.

Child abuse was not a widespread problem. The law does not explicitly prohibit child abuse, but sanctions parents who failed to protect children from abuse. PA courts may protect children in cases of neglect or abuse.

The law provides that no one under 14 can work. Those between 15 and 18 can be employed under limited conditions (see section 6.d.). There is no juvenile court system, but certain judges specialized in juvenile cases.

International and domestic NGOs promoted educational, medical, and cultural services for children, and other groups specialized in the needs of children with disabilities.

Palestinian terrorist groups used minors to conduct attacks, smuggle weapons, or act as human shields. On August 29, the IDF arrested a 14-year-old Palestinian at the Huwwara checkpoint, near Nablus, as he attempted to smuggle three pipe bombs.

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

Persons with Disabilities.—Access to public facilities was not mandated in the occupied territories. There was discrimination against Palestinians with disabilities in most spheres, including education, employment, transportation, and access to public facilities. The Health, Development, Information, and Policy Institute estimated that 10 percent of the approximately 29 thousand Palestinians injured in the past 5 years would have permanent disabilities.

Care for Palestinians with disabilities was a problem. Some institutions cared for persons with disabilities; however, they were underfunded. Cultural stigmas and inadequate funding resulted in poor quality care. The PA depended on NGOs to care for persons with physical disabilities and offered substandard care for those with mental disabilities. In February 2004 the health ministry, with input from the World Health Organization (WHO), released a strategy for mental health services calling for increased care for mental health patients and their reintegration into the community. During the year the health ministry worked closely with WHO to formulate a five-pronged strategy to develop public mental health services in the West Bank and Gaza.

Other Societal Abuses and Discrimination.—There is no legal discrimination against homosexuals, and there were no specific reports of abuse because of sexual orientation. However, cultural traditions and religion reject homosexuality, and Palestinians alleged that public and PA security officers harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.

Section 6. Worker Rights

a. The Right of Association.—The law permits workers to form and join unions of their choice without previous authorization. In March 2003 the International Labor Organization (ILO) funded the Department of Law at Birzeit University to lead a project to disseminate the 2001 labor law and to draft bylaws. Birzeit gathered employers and union representatives to discuss the labor law, and the group developed 28 bylaws. All the bylaws were approved by the PA during the period from 2004 to year's end and were published in the *Palestinian Gazette*.

Workers may establish unions without government authorization. The two most active union organizers are the General Union for Palestinian Workers and the Palestine General Federation of Trade Unions (PGFTU). The PGFTU is a member of the international confederation of free trade unions. Both are registered with the labor ministry.

Workers in Jerusalem may establish unions but may not join West Bank federations; however, this restriction was not enforced. Workers holding Jerusalem identity cards may belong simultaneously to West Bank unions and the General Federation of Labor (Histadrut).

Palestinians working in Israel or Jerusalem prior to 2000 were partial members of Histadrut; 1 percent of their wages was withheld. Partial membership entitled them to limited benefits. Histadrut and West Bank union officials negotiated an agreement in 1995 to transfer half of this fee to the PGFTU, which claimed it was owed \$6.5 million (29.9 million NIS). One Palestinian official, however, claimed Histadrut owed Palestinians \$2.2 million (10.1 million NIS).

The labor law provides for the right to strike. Prospective strikers must provide written warning to the other party and the ministry of labor two weeks in advance of the basis for the strike. (Strikes affecting public utilities require four weeks notice.) In practice strikers had little protection from retribution. Unions seeking to strike must accept labor ministry arbitration and are subject to disciplinary action if they reject the result.

b. The Right to Organize and Bargain Collectively.—A majority of workers in the occupied territories were self-employed or unpaid family helpers. Approximately 35 percent worked for wages. UNRWA and the PA employed most such workers. The labor law stated that a mediator from the ministry should resolve conflicts. If the ministry cannot resolve a dispute, it can be referred to a special committee and, eventually, to a special court. Accordingly, in practice the right to strike remained questionable.

There were no export processing zones in the occupied territories, although the Gaza Industrial Estate previously enjoyed free trade access to foreign markets.

c. Prohibition of Forced or Compulsory Labor.—The law states that work is a right, duty, and honor and that the PA will strive to provide it to any individual capable of performing it. According to a labor ministry official, the PA also interpreted this law to mean that forced and compulsory labor is prohibited. The law also states that children shall not be exploited or allowed to perform work, which might damage their safety, health, or education.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum employment age is 15, and there are special conditions for employment between 15 and 18. The law prohibits minors from working at night, hard labor, and travel beyond their domicile. However, many underage children worked in family farms and shops, as street vendors, or in small manufacturing enterprises. Representatives from the PA ministries of labor and social affairs said Palestinian children working in Israeli settlements faced security problems, exploitation, and harassment since there was no enforceable law to monitor and protect child laborers. Officials said Palestinian child workers illegally entered green-line Israel where they could be exploited.

The high secondary school dropout rate (see section 5) implied a significant level of child labor. As of September the PA had only 10 child labor inspectors for the West Bank and Gaza.

The ILO and UNICEF worked with the PA to develop its capacity to protect child rights. UNICEF representatives reported it worked to promote education in projects targeting attitudes and practices of caretakers and children. The PA has an agreement with the ILO to allow ILO's International Program for the Elimination of Child Labor (IPEC) activities in West Bank and Gaza; however, IPEC reported no activities during the year.

e. Acceptable Conditions of Work.—There was no minimum wage. Prior to 2000 average wages for full-time workers provided a decent living standard; however, the living standard dropped significantly over the past five years.

The normal workweek was 45 to 48 hours, but maximum workweek laws were not effectively enforced. The PA observed religious holidays but they were not formally incorporated in labor law. Although it is not obligatory for an employer to provide Christians with Sunday off, employers are required to allow Christians to attend church on Sunday if the employee desires. In some establishments employers offered Christians the option of taking Sunday off, rather than Friday.

The PA labor ministry was responsible for safety standards, but its enforcement ability was limited. The ministry stated new factories and workplaces met international health and safety standards, but older ones did not. Palestinians who worked in Israel must contribute to the National Insurance Institute and received limited benefits.

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein, with a population of approximately 5.8 million. The constitution concentrates executive and legislative authority in the king. At his discretion the king may appoint and dismiss the prime minister, members of the cabinet, and upper house of parliament; dissolve parliament; and establish public policy. On April 7, King Abdullah approved a new cabinet under Prime Minister Adnan Badran; subsequently, on November 7, King Abdullah formed a new cabinet under Prime Minister Marouf al-Bakhit. The new cabinet under Bakhit won a vote of con-

confidence from the lower house of parliament with 78 percent of the vote. The parliament consists of the 55-member House of Notables (Majlis al-Ayan), appointed by the king, and a 110-member elected lower house, the Chamber of Deputies (Majlis al-Nuwwab). The 2003 multiparty parliamentary elections were generally considered to be free and fair; however, the election law significantly underrepresented urban areas. In the wake of the August 19 and November 9 terrorist attacks, that latter of which killed more than 60 persons, the government announced that its priority would be to ensure public security while at the same time respecting civil liberties. Civilian authorities generally maintained effective control over the security forces, although there were some instances in which members of the security forces committed serious human rights abuses.

Although the government respected human rights in some areas, its overall record continued to reflect problems. The following human rights problems were reported:

- restrictions on the right of citizens to change their government
- allegations of torture
- continued police abuse and reported mistreatment of detainees
- arbitrary arrest and prolonged detention
- instances of impunity
- denial of due process of law
- limited judicial independence
- infringement on citizens' privacy rights
- harassment of members of opposition political parties
- restrictions on freedom of speech, press, assembly, association, movement, and on some religious practices
- legal and societal discrimination against women
- "honor" crimes
- child abuse
- discrimination against Palestinians
- restrictions on labor rights
- abuse of foreign domestic workers

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports during the year of arbitrary or unlawful deprivation of life by the government or its agents.

In recent years authorities have sometimes been willing to conduct transparent investigations and have, occasionally, disclosed results. However, there were instances of impunity where security services were reluctant to conduct transparent investigations into allegations of wrongful deaths that occurred during police detention in previous years.

In 2002 US Agency for International Development official Lawrence Foley was shot and killed in front of his home. In April 2004 five men accused in the killing were convicted, some in absentia. The government announced that one suspect, Muammar al-Jaghbir, convicted and sentenced to death in absentia, was in custody as of July 2004 and would be retried in accordance with the law, which provides for a new trial in such circumstances. His retrial, which was postponed until June, included charges that al-Jaghbir was responsible for the 2003 bombing of Jordan's embassy in Baghdad. He pleaded not guilty to those charges as well as the charges related to Foley's assassination.

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 and security forces allegedly abused detainees during detention and interrogation and reportedly also used torture. Allegations of torture were difficult to verify because the police and security officials frequently denied detainees timely access to lawyers. The most frequently reported methods of torture included beating, sleep deprivation, extended solitary confinement, and physical suspension. Defendants charged with security-related offenses before the State Security Court claimed they were tortured to obtain confessions and claimed to have been subjected to physical and psychological abuse while in detention.

Government officials denied many allegations of detainee abuse, pointing out that many defendants claimed abuse in order to shift the focus away from their crimes.

During the year defendants in nearly every case before the Security Court alleged that they were tortured while in custody. At times the courts requested prison administrators to treat inmates in accordance with the law. A December 26 report issued by the National Center for Human Rights (NCHR) reported on allegations of mistreatment at prisons and detention centers, including that inmates were subjected to beatings.

NCHR's May 31 report, *The State of Human Rights in the Hashemite Kingdom of Jordan*, stated that the court system does not provide sufficient guarantees to prevent torture and other forms of abuse at the hands of the authorities.

In May 15 men accused of planning terrorist attacks in the country claimed that their confessions were extracted under torture. The main defendant in that case, Abed Shehadeh Tahawi, claimed that security forces fabricated the case against him because he is an Islamist preacher. One of the defense lawyers claimed that the security forces used chemicals to hide evidence of torture. He also claimed that the prosecution did not read the defendants their indictment sheet when they were brought in for questioning.

In July four Islamist defendants standing trial for plotting to attack liquor stores retracted their confessions, claiming they were extracted under torture. Their attorneys claimed the men were denied their right to have an attorney present during their interrogations. Also in July relatives of seven men standing trial for plotting attacks on tourists testified that they believed the defendants had been tortured, because their imprisoned relatives looked weak and had told them they had confessed under duress.

On August 9, the Arabic daily *Al-Ghad* reported that a student claimed he was abused by police in Irbid. The police had intervened in a dispute between the accuser and another youth. The student claimed that police beat him on the head and that his eardrums burst as a result. The authorities opened an investigation into the claims, and the NCHR was following the case.

Affiliates of fugitive Abu Musab al-Zarqawi, convicted in absentia in April 2004 of killing Lawrence Foley in 2002 (see section 1.a.), claimed their confessions were extracted under duress. Muammar Jaghbir, who was sentenced to death in absentia for killing Foley and subsequently apprehended and retried, was detained by the security forces for six months of interrogation before appearing in court. Zarqawi's nephew, Omar al-Khalayleh, who was sentenced in May 2004 with two others for plotting against foreign tourists, also claimed torture during his trial.

During his trial in 2004, detained al-Zarqawi accomplice Miqdad al-Dabbas claimed that his confession was made under duress. He was sentenced in April to 15 years in prison for plotting attacks against Jordan's embassy in Baghdad.

In the continuing prosecutions of the 14 men accused of inciting the 2002 uprising in Ma'an—this time facing new charges during the year of illegal possession of automatic weapons, plotting subversive acts, illegal public assembly, and illegal importation and use of weapons—the defense alleged that prison officials mistreated and intimidated the defendants. The allegations included seizure of books and other property and denial of medical treatment to al-Shalabi. The head of the Public Security Directorate (PSD) press office denied these claims, stating that prison guards only removed illegal items during inspection tours. According to local media, PSD records showed that al-Shalabi was referred to a prison hospital when he complained of kidney pains, which hospital officials said were the result of a kidney stone.

Human rights activists reported a number of cases of beatings and other abuses of individuals in police custody during the year. Human rights activists also claimed that detainees were often held incommunicado for up to two months after arrest.

In December Human Rights Watch sent a letter to the prime minister asking him to investigate an apparent miscarriage of justice, in which two people were convicted in the murder of Najih Khayyat. The first defendant, Bilal Musa, confessed to killing 1 man in self defense, and later to killing Najih Khayyat and 9 others; he claimed that the latter 10 confessions were extracted under duress. Musa was executed in 2000. Later, Zuhair Khatib confessed to killing Najih Khayyat. On May 15, the same judges who tried and convicted Musa sentenced Zuhair Khatib to death for Khayyat's murder. The court subsequently reversed its verdict in Khatib's case and exonerated him.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. Prisons were still overcrowded and understaffed with poor sanitary conditions and inadequate food and health care. There were reported instances of torture and harsh and inhumane treatment (see section 1.c.).

On December 26, NCHR, a quasi-governmental body with educational, protective, and reporting responsibilities, issued its third report on the condition of the coun-

try's prisons. The report noted that although the government has improved some facilities, more needed to be done. NCHR recommended that the government close Al Jafer prison, located in the desert 155 miles south of Amman. Since the prison is geographically isolated, NCHR contended that the inmates have limited access to lawyers. The report also mentioned high illiteracy rates among inmates overall in the country, which contributed to their ignorance of their rights to seek legal assistance.

The government held men, women, and juveniles in separate prison facilities. Although the general intelligence directorate (GID) held some persons detained on national security grounds in separate detention facilities, the government held other security detainees and prisoners in regular prisons. While security prisoners often were separated from common criminals, conditions for such prisoners did not differ significantly.

Local human rights monitors were allowed to visit prisons. NCHR made 11 visits to prisons between October 2004 and October of this year. The International Committee of the Red Cross (ICRC) was permitted access to prisoners and detainees, as well as to all prison facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the government did not always observe these prohibitions. The law provides that citizens are subject to arrest, trial, and punishment for the defamation of heads of state or public officials and dissemination of “false or exaggerated information outside the country that attacks state dignity.” Criminal laws generally require warrants; however, in most cases suspects may be detained for up to 48 hours in the absence of a warrant. Police made several arrests during the year prior to obtaining warrants.

Role of the Police and Security Apparatus.—The PSD controlled general police functions. The director of the PSD had access to the king when the seriousness or urgency of a matter demanded it. The PSD, GID, and the military shared responsibility for maintaining internal security, and had authority to monitor security threats. The PSD reports to the interior minister and the independent GID reports directly to the king. Thirteen different offices form the basic structure of the PSD. Two are Preventative Security and Complaints and Human Rights. Each of the 12 provinces has a police department that also falls under the authority of the PSD director. Security and policing activities were effective.

The PSD's Preventative Security Office investigates officers' performance. Incidents of poor officer performance ultimately are reported to the PSD director's office (see section 1.c.). Corruption within the PSD has not been a significant issue, and there are mechanisms in place to investigate police abuses. Citizens may file a complaint about police abuse or corruption to the Office of Complaints and Human Rights. Citizens filed 425 complaints during the year (see section 4). The head of this office reports directly to the PSD director. New officers in training receive special instruction on how to avoid corruption.

Arrest and Detention.—The criminal code requires that police notify legal authorities within 48 hours of an arrest and that legal authorities file formal charges within 10 days of an arrest; however, the courts routinely granted requests from prosecutors for 15-day extensions as provided by law. This practice generally extended pretrial detention for protracted periods.

In cases involving state security, the security forces arbitrarily arrested and detained citizens. The authorities frequently held defendants in lengthy pretrial detention, did not provide defendants with the written charges against them, and did not allow defendants to meet with their lawyers until shortly before trial. Defendants before the State Security Court usually met with their attorneys only one or two days before their trial. The criminal code prohibits pretrial detentions for certain categories of misdemeanors.

On June 26, Jordanian extremist Issam al-Barqawi, also known as Abu Mohammad al-Maqdisi, was released six months after being acquitted of plotting subversive acts and possessing explosives as part of an alleged terrorism plot. On July 5, he was re-arrested for allegedly contacting terrorist groups, and charged on July 18 with plotting subversive acts.

On November 9, a group of Iraqis carried out suicide bombings at three hotels in west Amman. One of the attackers, a woman married to another of the bombers, failed to detonate her explosives and was eventually captured by authorities. At year's end she had not been charged.

In the past human rights activists reported that the government detained journalists (see section 2.a.) and Islamists, for varying amounts of time for what appeared to be political reasons. This year the engineers' professional association requested that the prime minister intervene to release members who it maintained were being

held without charges. On September 27, the association issued a report covering June 2003 to June of this year, citing 17 cases in which members of the association were arrested and detained by the security services. Of the 17 cases, according to the report, only 4 were referred to court. The report said that the detainees were kept in solitary confinement and were denied access to lawyers.

In the past human rights groups also reported that there were a smaller number of long-term political detainees. At year's end at least 1 man, Samer Hilmi Al Barq, who taught at an Islamic school in Pakistan, remained in detention after approximately 18 months, without having been charged or referred to court.

Local governors have the authority to invoke the Preventing Crimes Law, which allows them to place citizens under house arrest for up to one year without formally charging them (see section 2.d.). House arrest may require persons to report daily to a local police station and impose a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

The government used the threat of detention to intimidate journalists into practicing self-censorship (see section 2.a.).

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. In practice there was independent decisionmaking; however, the judiciary was not impervious to family and tribal influence. The Higher Judiciary Council, a committee led by the president of the court of cassation, and comprised of other high-ranking officials from the various courts and the Ministry of Justice, determines judicial appointments, assignments, and evaluations. The Higher Judiciary Council remains under the administration of the Ministry of Justice.

Unlike in previous years, there were no allegations that judges were “reassigned” in order to remove them from particular proceedings. However, judges were still temporarily assigned to other courts due to workflow.

The judicial system consists of civil, criminal, commercial, security, and religious courts. Most criminal cases are tried in civilian courts, which include the courts of appeal, the court of cassation, and the high court of justice. The State Security Court, composed of both military and civilian judges, has jurisdiction over offenses against the state and drug-related crimes.

The religious courts are subdivided into Shari'a (Islamic law) courts and tribunals for non-Muslim religious communities. Shari'a courts have jurisdiction over all matters relating to the personal status of Muslims, including marriage, divorce, and inheritance. Christian courts have jurisdiction over marriage and divorce cases among Christians, but apply Shari'a in inheritance cases (see section 5).

Trial Procedures.—The law provides that all civilian court trials are open to the public unless the court determines otherwise. Defendants are entitled to legal counsel, may challenge witnesses, and have the right to appeal. Defendants facing the death penalty or life imprisonment must be represented by legal counsel. Public defenders are provided if the defendant is unable to hire legal counsel. All citizens are accorded these rights. Civil, criminal, and commercial courts accord equal weight to the testimony of men and women; however, in Shari'a court the testimony of two women is equal to that of a man's in most circumstances (see section 5). Defense attorneys are guaranteed access to government-held evidence relevant to their clients' cases.

The State Security Court consists of a panel of three judges, two military officers and one civilian. More than a dozen cases were tried or were ongoing in the State Security Court during the year. Like the civilian courts, proceedings of the court are open to the public. Defendants tried in this court were often held in lengthy pretrial detention and refused access to legal council until just before the trial. State Security Court judges inquired into allegations that defendants were tortured and allowed the testimony of physicians regarding such allegations (see section 1.c.). The court of cassation ruled that the State Security Court may not issue a death sentence on the basis of a confession obtained as a result of torture. Defendants in this court have the right to appeal their sentences to the court of cassation, which is authorized to review issues of both fact and law, although defendants convicted of misdemeanors in the State Security Court have no right of appeal. Appeals are automatic for cases involving the death penalty.

The press and publications law permits journalists to cover State Security Court proceedings unless the court rules otherwise. The press routinely reported on cases before the court, including all cases heard during the year. Such reporting routinely covered defense arguments and allegations of torture.

Political Prisoners.—There were no reports of political prisoners. However, throughout the year, there were reports of political detainees (see section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government imposed limited restrictions on

these rights in practice. The law requires that security forces obtain a warrant from the prosecutor general or a judge before conducting searches or otherwise interfering with these rights; however, in security cases, the authorities obtained preapproved warrants. Security officers officially monitored telephone conversations and Internet communication, read private correspondence, and engaged in surveillance of persons considered to pose a threat to the government or national security. The law permits these practices if the government obtains a court order.

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 imposed significant restrictions on these rights in practice.

The Press and Publications Law and the Press Association Law (JPA) impose stringent restrictions on the operation of newspapers. The government also intimidated journalists to encourage self-censorship. Citizens may be prosecuted for slandering the royal family, the government, or foreign leaders, and for “sowing sedition.” Citizens generally did not hesitate to criticize the government openly, but exercised caution with regard to the king, the royal family, and the GID. The JPA require membership in the JPA for persons to be considered “legal” journalists or editors, which can potentially exercise control over content or threaten disciplinary measures. The law gives the association the authority to hold disciplinary councils against any journalists that violate the rules or ethics of the profession.

During the year there were reported instances of arrest and government harassment of journalists. Several journalists interviewed by the Committee to Protect Journalists (CPJ) reported that authorities pressured printers to delay publication of several newspapers until editors agreed to remove critical articles. Editors received phone calls from security officials instructing them how to cover certain events.

On March 14, authorities detained for questioning and later released a reporter for Arabic daily *Al-Ghad* on suspicion that he fabricated his published news report that a citizen, Raed Mansour al-Banna, had carried out a suicide bombing in Iraq. Two *Al-Ghad* editors were also interrogated.

On April 10, security officials reportedly delayed publication of the weekly *Al-Wihda* until editors removed an article by journalist Muwaffaq Mahadin. Mahadin told CPJ that the article was critical of how the government of Prime Minister Adnan Badran was formed, claiming that its selection was undemocratic.

In June Fahd al-Rimawi, editor of the weekly *Al-Majd*, told CPJ that publication of his May 8 edition was delayed by the printer under pressure from security officials. Authorities objected to *Al-Majd's* planned interview with a member of parliament (MP) who supported the Iraqi insurgency and opposed the interim government of Iraqi Prime Minister Ibrahim al-Jaafari. According to al-Rimawi, the interview was removed from that week's edition after the MP was pressured to rescind his comments.

In June according to journalists, several newspaper editors received phone calls from security officials prior to Iraqi President Jalal Talabani's May visit to Jordan, instructing them to be careful not to support the insurgency in Iraq in their coverage.

On April 24, Ali Hattar, a member of the Jordan Engineers Association, was convicted of slandering the government in a public lecture in December 2004, and sentenced to either serve 3 months in jail or pay a \$254 (180 dinars) fine. Hattar chose to pay the fine to avoid the prison term. The charge stemmed from a speech in which he called for a boycott of American products and criticized American foreign policy.

The Press and Publications Law provides the government with limited ability to issue fines, transfers the power to withdraw licenses to the judiciary, limits significantly the government's power to order shutdowns, allows journalists to cover court proceedings unless the court ruled otherwise, and requires publications to be licensed. The law imposes strict limits on publications, which gave the government broad leeway to impose sanctions. The government used informants and censors at printing presses to inform it if particularly objectionable material was slated for print.

The penal code restricts free speech and allows for the prosecution of any person found to have written, published, or aired any statements that could be construed to harm or incite to harm or insult individuals or “the state's reputation and dignity.” The punishment for defamation of the king or royal family is three years in prison.

Journalists also may be prosecuted before the State Security Court for criminal and security violations. Although a substantial number of cases were dismissed be-

fore trial, in the past some cases lingered in the courts for years. The government routinely used detention and prosecution or the threat of prosecution to generate journalistic self-censorship (see section 1.d.).

In May the Center for Defending Freedom of Journalists, a nongovernmental organization (NGO) based in Amman, conducted a random survey of 100 practicing journalists. The majority of respondents judged press freedom as low in 2004. Additionally 40.6 percent responded that the government had interfered in their work while 59.4 percent said that the government interfered in the media in general.

The Press and Publications Department continued to enforce bans on the publication of selected books. Books were banned for religious, moral, and political reasons. On April 26, political activist Ali Sanid reported that the Press and Publications Department refused to grant him a license to publish his book *80 Days in the Jawida Prison*, which asserted that conditions in the country's prison system were deplorable and that inmates were tortured. In June the department banned the publication of a novel written by Saddam Hussein, on the grounds that it could harm ties with Iraq.

High taxes on media and tariffs on paper caused journalists to reduce the size of their publications. Journalists also criticized the government for advertising predominantly in newspapers in which the government owned shares.

The law provides foreign media operations freedom of expression.

Radio and television news broadcasts, more restricted than the print media, did not undergo any liberalization during the year. However, in 2004 the government licensed a new radio station and a satellite television broadcaster. Its projected starting date was deferred twice during the year, and is now scheduled for June 2006. Under commercial agreements with each entity, the government rebroadcasts the regional programs of the BBC, the London-based Middle East Broadcasting Center, Radio Monte Carlo, and Radio Sawa. Jordan Television reported only the government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts were available and unrestricted.

In the past the government opened investigations attempting to determine who was responsible for Internet sites that allegedly libeled the king; however, no one was known to have been prosecuted in such cases during the year. In the past there were reports of government interference with Internet access, including several Web sites that appear to have been blocked. During the year the government allowed Internet news sites to operate in the country, including those presenting news critical of the government.

The government limited academic freedom. Some academics claimed that they received frequent threats of dismissal. During the year sources in the academic community claimed that there was an ongoing intelligence presence in academic institutions.

During the year the University of Jordan continued to grant its president authority to appoint half of its 80-member student council, including the chair. This measure was viewed widely as an effort to curb the influence of campus Islamists. Many students, including non-Islamists, continued to object to the university's policy.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the government restricted this right. Citizens must obtain permits for public gatherings. The government generally granted permits for protests it finds objectionable only after extensive negotiations with the organizers. The law requires the organizers of rallies and demonstrations request permission from provincial governors at least three days prior to any event. Under the law no protest may be held without the governor's consent, and violators face imprisonment from 1 to 6 months and a fine not to exceed \$4,230 (3 thousand dinars). In some cases the government granted approval at the last moment, making it difficult for organizers to plan the demonstrations.

On March 7, the government banned a planned demonstration of professional unions against a draft law barring professional associations from engaging in politics and deployed security forces to prevent the protest.

On August 19, approximately one thousand citizens marched to protest alleged threats to the Al Aqsa Mosque in Jerusalem. The governor of Amman initially refused the event organizers a permit on technical grounds, but a second request was approved the day before the march was scheduled to occur.

There were peaceful marches and protests against terrorism for several days following the November 9 Amman hotel bombings, which killed 60 persons.

In March 2004 the government detained protestors at the al-Wihdat refugee camp in the southern suburbs of Amman, claiming that the demonstration was not licensed. According to media reports, more than 60 persons were detained for burning

the national flag and destroying property. Human rights activists claimed more than 200 demonstrators were detained. The demonstration began after Friday prayers in reaction to the killing of Hamas leader Sheikh Ahmed Yassin. The government claimed it filed formal charges against some of the detainees while releasing those under 18. MP Tayseer al-Fitiani alleged that riot police beat him with clubs upon his arrival at the al-Wihdat police station after demonstrators had dispersed.

Freedom of Association.—The constitution provides for the right of association; however, the government limited freedom of association by law. The law prohibits the use of associations for the benefit of any partisan organization. The government required and routinely granted approval for nonpolitical conferences, workshops, and seminars.

The government prohibits membership in unlicensed political parties but routinely licensed political parties and other associations. There were 31 licensed political parties. The government may deny licenses to parties that it decides do not meet a list of political and other criteria contained in the Political Parties Law. The High Court of Justice may dissolve a party if it violates the constitution or the law.

c. Freedom of Religion.—The constitution provides for freedom of religion, provided that religious practices are consistent with “public order and morality;” however, the government continued to impose some restrictions on freedom of religion. The state religion is Islam. The government does not officially recognize all religious groups. Groups obtain recognition with the approval of the prime minister. In order to be recognized, the group must have citizens among its constituency, and the Ministry of the Interior must also conduct a background investigation. Recognition allows a religious group to purchase land with a tax exemption.

Members of unrecognized religious groups and converts from Islam faced legal discrimination and bureaucratic difficulties in personal status cases. The government prohibits non-Muslims from proselytizing Muslims.

Persons enjoy freedom of belief, and there were no reports that the practice of any faith was prohibited. Some religious groups, while allowed to meet and practice their faith, complained of societal and official discrimination. In addition not all Christian denominations have been accorded legal status.

The government did not accord the Druze or Baha’i Faiths the status of officially recognized religions but did not prohibit the practice of these faiths. Druze faced official discrimination but did not complain of social discrimination. Baha’is faced both official and social discrimination. The government did not record the bearer’s religion on national identity cards issued to Druze or Baha’is.

The government did not recognize Jehovah’s Witnesses, the Church of Christ, or the Church of Jesus Christ of Latter-day Saints, but each of these denominations conducted religious services and activities without interference.

The Jordan Evangelical Theological Seminary (JETS), a Christian training school for pastors and missionaries, had not been accredited as an educational institution by year’s end, although the government granted it “registration,” allowing it to operate. Due to the lack of accreditation, JETS students and faculty coming from abroad were unable to obtain student/work visas. Students traveled on tourist visas and applied for residency permits once they arrived in the country. During the year the government denied residency permits to 12 noncitizen students for reasons including insufficient funds.

Shari’a prohibits non-Muslims from proselytizing Muslims. Conversion to the Muslim faith by Christians was allowed; however, a Muslim may not convert to another religion. Muslims who convert to other faiths complained of social and government discrimination. Under Shari’a converts are regarded as apostates and legally may be denied their property and other rights. In November 2004 the Amman Shari’a court found a convert from Islam to Christianity guilty of apostasy, stripped him of many of his civil rights, and annulled his marriage. A Shari’a appellate court upheld the conviction in January. Converts to and from Islam are considered Muslims under Shari’a on matters of personal status.

The constitution provides that religious community trusts and matters of personal status fall within the exclusive jurisdiction of the Shari’a courts for Muslims, and separate non-Muslim tribunals for each religious community recognized by the government. There is no civil marriage. The head of the department that manages Shari’a court affairs (a cabinet-level position) appoints Shari’a judges, while each recognized non-Muslim religious community selects the structure and members for its own tribunal. All judicial nominations are approved by the prime minister and commissioned officially by royal decree. The Protestant denominations registered as “societies” come under the jurisdiction of one of the recognized Protestant church tribunals. There are no tribunals assigned for atheists or adherents of unrecognized

religions. These persons must request one of the recognized courts to hear their personal status cases.

Converts from Islam to Christianity faced possible loss of civil rights, loss of child custody, and economic hardship. However, courts have shown a willingness to decide mixed religion child custody cases in the best interests of the child.

In 2002 the Shari'a and civil court systems adjudicated a child custody case and transferred legal custody of two minors who were raised as Christians from their Christian mother to her Muslim brother. However, the judgment was never executed and the children remained in the mother's physical custody pending the result of a countersuit filed against the Muslim brother, accusing him of lack of interest in the children and misuse of the children's trust funds. In April the court found that the Muslim brother was negligent and was misusing the children's trust funds. The judge awarded legal custody of the children to their Christian mother. Her brother filed an appeal in May, but the appellate court rejected his petition.

Men may divorce their spouses more easily than women; however, since 2001 Shari'a courts have granted over 500 divorces sought by women (see section 5).

The legal system regards minor children of a male Muslim who converts to another religion to be Muslims. Adult children of a male Christian who has converted to Islam become ineligible to inherit from their father if they do not themselves convert to Islam. Muslim converts to Christianity and minor children of male converts to Christianity are not recognized legally as Christians and continue to be treated as Muslims in matters of family and property law.

The government noted individuals' religions (except for Druze, Baha'is, and other unrecognized religions) on the national identity card and "family book" (a national registration record issued to the head of every family that serves as proof of citizenship) of all citizens. Atheists must associate themselves with a recognized religion for official identification purposes.

Government policy requires that foreign missionary groups refrain from public proselytizing for their own safety from members of society that oppose such practices. The government has taken action against some Christian proselytizers in response to the complaints of recognized Christian groups who charge that the activities of these missionaries "disrupt the cohesiveness and peace between religious groups in society."

In August two foreign missionaries were expelled from the country after a MP complained to the minister of the interior that they were proselytizing among children without the permission of the parents.

Societal Abuses and Discrimination.—Relations between Muslims and Christians generally were amicable. However, Muslims who convert to other religions often faced social ostracism, threats, and abuse from their families and Muslim religious leaders. Families usually strongly discouraged interfaith romantic relationships, which ultimately may lead to conversion. Such relationships may lead to ostracism and, in some cases, violence against the couple or feuds between members of the couple's families. Baha'is faced some societal discrimination.

Private broadcast media occasionally showed anti-Semitic programs. During the year the private satellite television Memnou'a broadcast a program based on the *Protocols of the Elders of Zion*. Memnou'a is based in what the government calls a "free media zone." The government attempted to halt the broadcast. Editorial cartoons, articles, and opinion pieces critical of Israel sometimes employed anti-Semitic images and stereotypes and were published in the newspapers *Al-Rai* and *Al-Dustur*. There was no government response to these pieces. Aside from expatriates and diplomats, there was no resident Jewish community 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 provides for these rights; however, there were some restrictions. The law requires that all women obtain written permission from a male guardian to apply for a passport; however, women do not need a male relative's permission to renew their passports. In the past there were several cases when mothers reportedly were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country (see section 5). The GID sometimes withheld passports from citizens on security grounds.

Local governors may use the Preventing Crimes Law to place citizens under house arrest for up to a year without formally charging them (see section 1.d.). House arrest may involve requiring persons to report daily to a local police station while under curfew. Persons who violate the terms of house arrest may be imprisoned for up to 14 days.

Persons with full citizenship receive passports that are valid for five years. Most persons of Palestinian origin living in the country were citizens and received passports; however, the government estimated that there were 150 thousand Palestinian refugees, mostly of Gazan origin, who do not qualify for citizenship. They received three-year passports valid for travel but which do not connote citizenship. West Bank residents without other travel documentation are eligible to receive five-year passports which do not connote citizenship.

Human rights activists continued to charge that the government did not apply consistently citizenship laws, especially in cases in which passports were taken from citizens of Palestinian origin. The government claimed this policy was in line with its efforts to implement the government's disengagement from its former claims to the West Bank. However, activists complained that the process is not transparent and the appeal process virtually nonexistent. Claimants or families filed appeals with the Ministry of Interior (MOI), which were not resolved to their satisfaction. The government asserted that all cases it closed involved persons without valid claims to citizenship or travel documents.

Human rights activists reported that approximately 1,200 citizens of Palestinian origin remained outside the country, due to the government's refusal to renew their passports at embassies overseas. The government asserted that only nonresident Palestinians who sought to renew travel documents, which required proof of residence in the country, have been refused.

The law prohibits forced exile, and the government did not use forced exile in practice.

Protection of Refugees.—The government is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. It generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in assisting refugees and asylum seekers. The government respected the UNHCR's eligibility determinations regarding asylum seekers, including those who entered the country clandestinely. The UNHCR continued to train law enforcement officials and judges in international refugee law, including training for instructors from the UNHCR who conducted a course for entry-level government officials during the year. However, the UNHCR reported that approximately 200 Iranian refugees formerly resident in a UNHCR camp in Ramadi, Iraq, were refused entry. It also reported in several instances that it intervened to prevent the deportation of persons issued UNHCR asylum seeker cards.

As of October 1, approximately 1.8 million Palestinian refugees were registered with the UNRWA. The UNRWA and the government continued to provide assistance to these Palestinian refugees during the year. Approximately 700 thousand persons displaced from former Jordanian territories during the 1967 war have been granted nationality. An additional 120 thousand persons displaced during the 1967 war hold temporary residency permits. A further 200 thousand Palestinian refugees were also estimated to be living in the country without any direct assistance.

Since 1991 thousands of Iraqis have applied for refugee status and received legal and material assistance from the UNHCR. It was estimated that between 400 and 600 thousand Iraqis were living in the country. The government generally recognized UNHCR's request that states continue to grant temporary protection for all Iraqi asylum seekers, including new arrivals, rejected cases, and recognized refugees whose cases had been suspended by resettlement countries. However, UNHCR reported that a significant number of Iraqis were refused entry into the country. It also reported that it intervened to prevent the deportation of persons issued UNHCR asylum seeker cards in several instances. The government also continued its policy of denying children of Iraqi asylum seekers admittance to public and private schools unless their families were able to establish legal residency in the country.

According to UNHCR figures, during the year, 966 persons from Iraq, Russia, Somalia, Sudan, Syria, and Egypt recognized as refugees awaited resettlement. An additional 90 Chechens were allowed to remain indefinitely pending repatriation. By year's end approximately 17 thousand persons, primarily Iraqis, were seeking asylum. UNHCR received new applications for refugee status from 5,758 persons, including 5,568 Iraqis, 50 Sudanese, 31 Syrians, 11 Egyptians, 10 Russians and 45 stateless persons during the year.

The government also continued to provide temporary protection to recognized refugees formerly resident in Iraq who fled Iraq in 2003, including 151 Palestinians and 464 Iranian Kurds formerly resident in a UNHCR camp in Ramadi. In May the government closed the reception camp UNHCR established in the "No Man's Land" between the Jordanian and Iraqi borders, relocating the residents to the refugee camp UNHCR established in Ruweished in 2003. The government refused entry to

approximately 200 Iranian refugees formerly resident in the UNHCR camp in Ramadi who attempted to flee Iraq in January.

According to the International Organization for Migration (IOM) statistics, between January 1 and November 30, the government granted temporary protection to 638 third country nationals fleeing Iraq en route to Sudan, Bangladesh, Nigeria, and Turkey. The government also facilitated the transit of 907 Iraqis voluntarily returning to Iraq from third-countries, primarily from Europe. IOM verified that all repatriations to Iraq and to third-countries were voluntary.

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

Citizens do not have the right to change their government. Citizens may participate in the political system through their elected representatives in parliament; however, the king may at his discretion appoint and dismiss the prime minister, cabinet, and upper house of parliament; dissolve parliament; and establish public policy.

Elections and Political Participation.—After being appointed by the king, a prime minister is required to submit his cabinet to a parliamentary vote of confidence, if there is a seated parliament. Executive power is vested in the king (or, in his absence, in the regent), who exercised his power through his ministers in accordance with the provisions of the constitution. The June 2003 multiparty parliamentary elections were generally considered to be free and fair; however, the election law significantly underrepresented urban areas. Some losing candidates claimed that voter fraud was a problem. The Islamic Action Front boycotted the elections in all districts outside greater Amman to protest the provisional law on appointing municipal officials.

The law allows voters to choose one candidate in multiple-seat districts. In the largely tribal society, citizens tended to cast their vote for family members. Observers believed that the law continued to give greater proportional representation to electorates in the rural and southern part of the country, as well as in regions with populations known for their traditional, pro-Hashemite views, resulting in significant underrepresentation of urban areas. In practice nontribal candidates' chances for election in tribal areas were limited. Many observers considered electoral districting unfair because of a lack of balance between the population and the number of seats per district and claimed that it was intended to reduce the representation of areas heavily populated by Jordanians of Palestinian origin.

The 2001 election law increased the number of electoral districts by redrawing district boundaries and redistributing seats among districts, required judiciary verification of polling results, raised the number of lower house seats from 80 to 104, and lowered the voting age to 18 years. A 2003 amendment included a 6-seat quota for women in the House of Deputies, raising the number of lower-house seats to 110. Citizens may freely nominate themselves and register as candidates as long as they do not have a criminal history.

The king proposes and dismisses extraordinary sessions of parliament and may postpone regular sessions for up to 60 days. If the government amends or enacts a law when parliament is not in session, it must submit the law to parliament for consideration during the next session; however, such "provisional" laws do not expire and, while technically subject to action by parliament when it returns to session, may in practice remain in force without legislative approval.

According to a 2002 provisional law, the king approves the appointments of all mayors, who are nominated by the Ministry of Municipalities. The law also reduced the number of municipalities from 299 to 99.

Women have the right to vote, and were encouraged to vote and be active in the political process. There were four female ministers for part of the year, although at year's end, following two cabinet shake-ups, there were only two. There were six female senators at year's end. There were seven before March; however, one was chosen to be a minister in the cabinet reshuffle that month. In the lower house, there were six female deputies, which is the minimum required under quota provisions of the electoral law.

Of the 110 seats in the lower house, the quota provisions reserve 9 for Christians, 9 for Bedouins, and 3 for either the Circassian or Chechen ethnic minorities.

Citizens of Palestinian origin, estimated to be more than half of the total population, comprised 6 of 28 ministers. In the parliament, 7 of 55 senators and 17 of 110 lower house deputies were of Palestinian origin. There were no Palestinians in any of the country's 12 governorships. The electoral system gives greater representation to areas that have a majority of inhabitants of non-Palestinian origin.

Government Corruption and Transparency.—Corruption is a crime. The GID has an anticorruption department that is responsible for combating bribery, extortion,

and other similar crimes. Attempts to establish similar, transparent entities outside the security service were not successful. There was a public perception of corruption in the executive and legislative branches. Influence peddling and a lack of transparency have been alleged in government procurement and dispute settlement. The use of family, business, and other personal connections to advance personal business interests, was widespread.

In January Haider Mahmoud, a respected poet, wrote a thinly-veiled poem to the king warning him of the corruption surrounding him. Mahmoud was vilified in the press as a traitor, and then-prime minister Faisal al-Fayez called for the mayor of Amman to fire Mahmoud from his position as head of the Al Hussein cultural center; Mahmoud resigned. Mahmoud's son also resigned from his job with the Ministry of Foreign Affairs.

MP Ghazi Zaben opened an investigation in May into *awqaf* funding, and into allegations that a former minister of *awqaf* and Islamic affairs, Ahmad Hilayel, was illegally profiting from travel packages to Mecca for the annual Muslim pilgrimage. Zaben stopped short of calling the ministry corrupt. His investigation lost steam after Hilayel was replaced during the April cabinet reshuffle.

On June 26, the king instructed the prime minister to form an independent anticorruption committee, charged with drafting a law designed to provide for transparency in the public sector. On July 12, the cabinet endorsed the commission's draft law, and it was under review by the lower house's legal subcommittee at year's end.

The law provides for public access to government information once it becomes a matter of legal record, and the government enforced this law 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 with restricted permission from the government, investigating and publishing their findings on human rights cases alleging torture and other abuses committed by the security forces. Within these limits government officials were cooperative and responsive to their views. The Press and Publications Law removed restrictions on the publication of information about the military and security forces, which had prevented the publication by domestic groups of reports alleging torture and other abuses committed by the security forces; however, similar restrictions still exist in the penal code and other laws (see section 2.a.).

The local chapter of the Arab Organization for Human Rights and the Jordanian Human Rights Organization continued to operate with the permission of the government.

In July 2004 the Jordanian Society for Citizens' Rights applied for registration with the MOI under the new name of the Jordan Organization for Citizen Rights, after having been shut by the MOI in 2002. The MOI officially denied the application in October 2004. The founder of both organizations claimed that the assistant governor of Amman told him in April that the government would find pretexts for further legal or administrative action against him if he persisted in his agitation for Palestinian rights. The founder complained of this alleged harassment in a letter to King Abdullah later that month. At year's end he has reported no retaliation against him.

The NCHR began operations in 2003. Its activities included training government and international organization personnel on human rights standards and conditions in the country and collection and analysis of citizens' complaints. The government cooperated with and funded the center; some human rights activists complained that it was too influenced by the government. On May 31, the NCHR issued its first annual report on the state of human rights in the country, covering an 18-month period from June 2003 through December 2004. In the 87-page report, the NCHR ranked Jordan "good" at the planning and policy level; "acceptable" in economic, social, and cultural rights; and "poor" in civil and political rights. A ministerial committee was formed after the report's release to study the report and formulate a response. At year's end that committee has not produced a response.

The PSD, which opened its first human rights complaints offices in 1996, had opened offices in each of its eight regional directorates by 2003. Persons charging police misconduct may submit complaints to the relevant office, and the government reported that cases backed by sufficient evidence can result in police officers being tried under the public security law. Plaintiffs may file compensation claims for damages, and convicted officers reportedly also were subject to disciplinary action. During the year citizens filed 425 complaints against PSD personnel. Of those, 221 were validated; 43 resulted in trials and disciplinary measures; 25 were referred to the special polices courts; and 153 were under consideration at year's end. The remain-

ing 204 complaints were ruled invalid. Of those 7 complainants dropped their cases, 145 cases lacked evidence, and 52 were dismissed by the courts.

The government generally cooperated with international NGOs, but human rights observers claimed that some security detainees were held incommunicado. The ICRC was permitted full access to all detainees and prisoners, including those held by the GID and the military intelligence directorate (see section 1.c.).

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

The law does not distinguish between citizens on the basis of race, disability, language, or social status; however, women were treated differently under the law, and some minorities faced discrimination in employment, housing, and other areas. Some private political groups such as the Anti-Normalization Committee, which is opposed to ties with Israel, acted through various professional organizations to pressure individuals who have had dealings with Israel, at the same time that the government took measures to restrict the committee's activities (see sections 2.a and 2.b.).

Women.—Violence against women continued, although the full extent of the problem was difficult to determine. In rural areas violence against women was reported frequently than in major cities; however, women's rights activists speculated that many incidents in cities went unreported. Although in recent years the government has taken steps to increase the resources available to help abused women, cultural norms continued to discourage victims from seeking medical or legal assistance.

Abused women have the right to file a complaint in court against their spouses for physical abuse; however, in practice familial and societal pressures discouraged them from seeking legal remedies. Marital rape is not illegal. NGOs such as the Jordanian Women's Union, which had a telephone hot line for victims of domestic violence, provided assistance in such matters. The Family Protection Unit of the Public Security Directorate also offered a comprehensive support program for victims of domestic violence and sexual assault. Wife-battering technically is grounds for divorce, but a husband may seek to demonstrate that he has authority from the Koran to correct a perceived irreligious or disobedient wife by striking her.

The phenomenon of so-called "honor crimes" derives from customary notions of family honor among some traditional communities, both Muslim and Christian. Authorities prosecuted all reported such crimes. During the year, 15 honor crimes, all killings, were reported. According to women's rights activists, there was some evidence of a societal trend toward condemnation of honor crimes. The police regularly placed potential victims of honor crimes in protective custody. Activists estimated that more than 25 women were in protective custody. At least one NGO was working in conjunction with the government to establish a shelter where the women could live in relative anonymity as an alternate to protective custody.

In ordinary cases the maximum penalty for first-degree murder is death, and the maximum penalty for second-degree murder is 15 years in prison. Article 340 of the penal code provides for lenient treatment in cases where the accused personally witnessed the victim of an honor crime engaging in sexual relations or in bed with a nonspouse. Article 98 of the penal code specifically states that "An extenuating justification can be invoked by anyone who commits a crime in a fit of rage as a result of an unrightfully and dangerous act carried out by [the] victim," and as a result, may significantly reduce murder charges. Although the defendants are almost universally found guilty, a successful Article 98 defense results in the defendants receiving token sentences.

For example, on May 16, a 19-year-old Ramtha man identified in the media as "Mohammad M.," surrendered to police after stabbing to death his 24-year-old sister, who he believed had committed adultery. In its August 27 verdict, the Ramtha tribunal of the criminal court system accepted the defendant's Article 98 defense and reduced the charges from premeditated murder to manslaughter. He was sentenced to a six-month prison term.

In June the courts accepted the Article 98 defense of a 20-year-old man identified as "Musa J.," who had been charged in October 2004 with killing his 21-year-old sister, a mother of two. The charge against him was reduced to manslaughter; he was sentenced to the six months he had already served and was immediately released. Musa J. leveled several contradictory allegations of immorality against his sister. The prosecutor general of the criminal court announced that he would appeal the court's June decision.

On May 12, a South Shouneh man was given a seven-and-a-half-year prison sentence for murdering his 17-year-old married daughter in November 2004. She had gone missing for a week in early August 2004 until the police found her and put her in protective custody. She was released when relatives signed a pledge that she would not be harmed. Shortly after her release, she and her husband went to her

father's home, where they told him that she was in love with another man. After asking her husband to leave the house, the father shot his daughter in the head three times. The tribunal of the criminal court rejected the defendant's Article 98 defense.

In a widely reported case, the brothers Bilal and Raed al-Ajouri received in May 7½ and 10 year sentences for murdering their pregnant sister in April 2004. The woman had become pregnant out of wedlock with an Egyptian man. She confronted her family with the pregnancy and received her father's blessing to marry in Egypt. Upon her return to the country to give birth, her brothers killed her and her unborn child.

There were no official reports of female genital mutilation (FGM) during the year, although international observers believed this practice was still occurring in Wadi Araba, in the south of the country. Due to the isolation of the area where FGM is likely to occur, official data was very hard to obtain. The last reported case of FGM was in 2003.

According to the law, sexual harassment is strictly prohibited and subject to criminal penalties including fines and imprisonment. Sexual harassment, assault, and unwelcome advances of a sexual nature against women did not appear to be widespread problems. Prostitution is illegal. In an effort to combat prostitution, the government made it a crime for licensed masseurs or masseuses to sell services to opposite sex clients.

Women experienced legal discrimination in pension and social security benefits, inheritance, divorce, ability to travel, child custody, citizenship, and the value of their Shari'a court testimony in certain limited circumstances (see section 1.e.). The government provided men with more generous social security benefits than women. The government continued pension payments of deceased male civil servants but discontinued payments of deceased female civil servants to their heirs. Laws and regulations governing health insurance for civil servants do not permit women to extend their health insurance coverage to dependents or spouses. However, divorced and widowed women may extend coverage to their children.

Under Shari'a as applied in the country, female heirs receive half the amount that male heirs receive, and non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. Men were able to divorce their spouses more easily than women, although a provisional law introduced in 2002, which was in effect at year's end, permitted women to initiate divorce on any grounds, provided they give up the financial settlement normally granted in divorce cases. The existing permanent divorce law allows women to seek divorces and retain their financial rights only under specific circumstances, such as spousal abuse. In these cases there is a burden of proof that the women must overcome (see section 2.c.). Special courts for each denomination adjudicate marriage and divorce matters for Christians (see section 2.c.). There were 25 female judges during the year, an increase of 6 from 2004.

In 2003 the passport law was amended to state that women and their minor children may obtain passports without the written permission of their husbands (see section 2.d.). Married women do not have the legal right to transmit citizenship to their children; however, since 2002 the government has permitted Jordanian women married to non-Jordanian men to pass citizenship to their children upon the permission of the council of ministers. In practice this permission was usually granted, except in cases where the father was Palestinian. Furthermore women may not petition for citizenship for their noncitizen husbands. The husbands themselves must apply for citizenship after fulfilling a requirement of 15 years of continuous residency. Once the husbands have obtained citizenship, they may apply to transmit the citizenship to their children. However, in practice such an application may take years, and in many cases citizenship still may be denied to the husband and children. Such children become stateless and, if they do not hold legal residency, lose the right to attend public school or seek other government services.

Civil law grants women equal pay for equal work; however, in practice this law sometimes was ignored.

Traditional social pressures discouraged many women from pursuing professional careers, especially after marriage. Nonetheless, women had employment opportunities in many professions, including government, engineering, medicine, education, the military, and law. Women's groups stressed that the problem of discrimination was not only one of law but also of women's lack of awareness of their rights or unwillingness to assert them. A professional women's association, the royal family, and the government promoted improvements for women's civil and economic life. Official figures at year's end show that 48 percent of students enrolled in higher edu-

cation institutions were female, and in some disciplines, females comprised 80 percent of the student body.

At year's end, while unemployment for the population as a whole reached 13.4 percent, for females the number was 19.7 percent.

Children.—The government was committed to children's rights and welfare in the areas of education and health; however, government efforts in these areas were constrained by limited financial resources. Education is compulsory from ages 6 through 16; however, no legislation exists to enforce the law or punish guardians for violating it, and absence from school goes without penalty. Currently a student may be absent from school for up to two years and the Ministry of Education will still allow the student to return to school. Public education was free from age 6 through completion of high school (age 18). The overall school attendance and total secondary school attendance rates remained at 92 percent. Several domestic and foreign religious groups operated private schools throughout the country. Since 1999 the government denied Iraqi children admittance to public schools unless they were legal residents of the country or recognized as refugees by the UNHCR. In September the MOI decided to bar enrollment of Iraqi children at private schools in the country unless their parents have residency permits (see section 2.d.).

The government attempted to address the issues of educational development and quality and the relevance of education to job-market demand, with few concrete results. The government did not charge tuition for public education and it granted food and transportation supplements to families with many children or to very poor families.

Students must obtain a good behavior certificate from the GID to be admitted under the university quota system. Activists reported that the GID sometimes withheld these certificates from deserving students due to a family member's allegedly problematic record.

The government provided free inoculation programs typically administered through the school system for children. In addition children had access to government-subsidized public clinics, which offer reduced fees for most services.

The National Team for Family Protection coordinated all issues concerning family safety. The government-funded "Dar al Amman," the country's first child protection center, provided temporary shelter, medical care, and rehabilitation for children age 6 to 12 who have suffered abuse. In September, the National Council for Family Affairs launched an eight-tier national strategy for families.

During the year the authorities received complaints of 97 cases of physical abuse and 640 cases of sexual abuse of children. Social and health workers believed that there was a significant incidence of child abuse in families, and it is likely that the incidence of child sexual abuse was higher than reported. The law specifies punishment for abuses against children. Rape or sodomy of a child under 15 years of age carries the death penalty.

The Family Protection Unit of the PSD worked with victims and perpetrators of domestic and sexual violence and has launched an awareness campaign on domestic violence. The unit believes that increased awareness during the year led to greater reporting of these cases, and therefore higher numbers.

The current minimum age for marriage is 18 years. However, with the consent of a judge and a guardian, children as young as 15 may be married. In most cases the guardian made the decision that the child should be married and it was not the child's choice. One partner, almost exclusively the male, is most times significantly older than the 15-year-old. Observers at Freedom House reported that in rural, tribal areas, and in some parts of the major cities, girls as young as 14 were entered into marriage contracts, either with the acquiescence of the responsible authorities or by using falsified documents. A 2000 study showed that in 26 percent of domestic violence cases, the victims were wives younger than 18. During the year 379 cases of physical and sexual assault on girls under the age of 18 were reported; the marital status of these women was not reported.

The government attempted to safeguard some other children's rights, especially regarding child labor (see section 6.d.). Although the law prohibits most children under the age of 16 from working, child vendors worked on the streets of Amman. Economic conditions and social disruption have caused the number of these children to increase over the last 10 years. Child vendors sold newspapers, tissues, small food items, or gum, and other children who picked through trash dumpsters to find recyclable cans to sell, sometimes were the sole source of income for their families. Generally these children were not subjected to the worst forms of child labor, including prostitution. However, experts agree that children working on the street were more vulnerable to becoming victims of these sorts of crimes.

Trafficking in Persons.—The law prohibits trafficking in children; however, it does not specifically prohibit trafficking in other persons. Other criminal statutes prohibit slavery and indentured servitude. In October Western media reported the August 2004 killing of 12 Nepali migrant workers in Iraq. According to the reports, an employment agency in Nepal colluded with Morning Star, a recruiting agency in Amman, to bring the men through Jordan to Iraq to work. Several of the men were told that they would be working for a hotel in Amman, but instead they were taken to Iraq, where they were captured and killed by insurgents. The government subsequently closed Morning Star. In 2004 to reduce the potential for abuse of foreign domestic workers (FDWs), the government adopted new and stricter procedures that regulate the importation of such labor (see section 6.e.). While these changes improved the legal framework to protect FDWs, lack of awareness among employers and employees remained a problem. The government has undertaken a cooperative program with the UN Development Fund for Women (UNIFEM) to raise the awareness of FDWs on the new protections afforded them. The Ministry of Labor (MOL) regularly visits the employment agencies that hire and import FDWs to ensure compliance with the law.

Persons with Disabilities.—There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions, although many private and public office buildings still have limited or no accessibility for persons with disabilities. High unemployment restricts job opportunities for persons with disabilities, who officially numbered 220 thousand, though UN averages placed the number closer to 500 thousand. Thirteen percent of citizens with disabilities received monetary assistance from the government. Since 1993, the law required future public buildings to accommodate the needs of persons with disabilities and to retrofit existing public buildings; however, implementation has been slow. A Special Building Code Department was established in 1997, to oversee the retrofitting of existing buildings.

The law requires that 2 percent of available public sector jobs be reserved for persons with physical disabilities. Private organizations and members of the royal family actively promoted programs to protect and advance the interests of persons with disabilities. Experts worried that the country still approached disabilities issues from a charitable approach, as opposed to from a rights approach. However, Landmine Survivors Network hosted a “training of trainers” program over two weeks in September, designed to build capacity and to advocate for the rights of persons with disabilities in the country and the region.

National/Racial/Ethnic Minorities.—There are three groups of Palestinians residing in the country. Those that migrated to the country and the Jordan-controlled West Bank after the 1948 Arab-Israeli war were given full citizenship. Those still residing in the West Bank after 1967 were no longer eligible to claim citizenship, but were allowed to obtain temporary passports without national numbers, provided they did not also carry a Palestinian Authority travel document. In 1995 then King Hussein announced that West Bank residents without other travel documentation would be eligible to receive full-validity passports, although still without national numbers. Refugees who fled Gaza after 1967 were not entitled to citizenship and were issued temporary passports without national numbers.

Human rights activists maintained that despite the codified passport issuance procedures, many citizens of Palestinian origin have had their Jordanian national numbers revoked at the whim of the interior ministry employees. Others claimed that their temporary passports have been confiscated after spending time in the West Bank. Invisible ceilings for appointments to positions in the government and the military persist, and admittance to public universities and the granting of university scholarships is regulated by a quota system. Citizens of Palestinian origin complain of underrepresentation in parliament, and even socially well-situated Palestinian-Jordanians claimed that their national origin results in dismissive and discriminatory attitudes from East Bank Jordanians (see section 2.d.).

During the year there were reports of societal discrimination against Iraqis living in the country. According to a December 7 UN Integrated Regional Information Networks report, the number of reports of discrimination against Iraqis living in the country rose following the November 9 Amman hotel suicide bomb attacks (see section 1.d.). The Iraqi Association for Nationals Living in Jordan received hundreds of complaints from Iraqis living in Amman of discrimination in the streets, in shops, and in public places. Beatings of Iraqis were reported in the days immediately following the bombings.

Indigenous People.—The country's indigenous people, nomadic Bedouin and East Bank town-dwellers, traditionally have been the backbone of popular support for the Hashemite monarchy and dominated in senior military, security, and civil service positions, as well as in the parliament. Nevertheless, many Bedouin in rural areas were disadvantaged economically.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals existed.

Section 6. Worker Rights

a. The Right of Association.—Workers in the private sector, in some state-owned companies, and in certain professions in the public sector have the right to form and join unions without excessive requirements and did so in practice. Unions must be registered to be legal. The labor law limits membership to citizens, effectively excluding the country's more than 218 thousand registered foreign workers. However, some unions represented the interests of foreign workers informally. According to official figures, more than 30 percent of the workforce was organized into 17 unions. Although the Solidarity Center, a global nonprofit organization, put the actual number closer to 10 to 15 percent, the number approaches 30 percent when the professional associations are included. Unions are required by the government to be members of the General Federation of Jordanian Trade Unions (GFJTU), the sole trade union federation. The government subsidizes and audits the GFJTU's salaries and activities. Union officials are elected by secret ballot to five-year terms, when elections actually take place. More often than not, the number of candidates equals the number of seats. Members have three days to file a nomination application, which is reviewed by the union. Elections are only held if there are more candidates than seats. In recent election cycles, when the number of candidates exceeded the number of seats, some candidates were persuaded to withdraw. The government monitors the elections in the event of a complaint to ensure compliance with the law.

The constitution prohibits antiunion discrimination, but the International Confederation of Free Trade Unions (ICFTU) claimed that the government did not protect adequately employees from antiunion discrimination. Workers may lodge complaints of anti-union discrimination with the MOL, which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of antiunion discrimination lodged with the MOL during the year.

b. The Right to Organize and Bargain Collectively.—Unions have and exercise the right to bargain collectively. Labor laws mandate that workers must obtain government permission to strike. Unions generally did not seek approval for a strike, but workers used the threat of a strike as a negotiating tactic. Strikes are prohibited if a labor dispute is under mediation or arbitration. If a settlement is not reached through mediation, the MOL may refer the dispute to an industrial tribunal with agreement of both parties. In August 7 trade unions threatened to stage a general strike if the Social Security Corporation made changes to early retirement regulations, which currently provide incentives for workers to retire as early as age 45. The unions dropped the threat to strike after further talks with the government. Also in August the General Trade Union of Workers in Mining and Metal Industries issued a list of demands of 1,350 workers from the Jordan Phosphate Mines Company. Chief among their demands was that 100 housing units built by the company be distributed to them prior to the privatization of the company. At year end the company had not privatized.

The tribunal is an independent arbitration panel of judges appointed by the MOL. The decisions of the panel are legally binding. If only one party agrees, the MOL refers the dispute to the council of ministers and then to parliament. Labor law prohibits employers from dismissing a worker during a labor dispute. There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, except in a state of emergency such as war or natural disaster. It generally was not practiced. Some foreign domestic servants, almost exclusively female, were subject to coercion and abuse and, in some cases, worked under conditions that amounted to forced labor (see section 6.e.). The law does not prohibit specifically forced or compulsory labor by children; however, such practices were not known to occur.

d. Prohibition of Child Labor and Minimum Age for Employment.—Labor law forbids children under the age of 16 from being employed, except as apprentices; however, there were reports of child labor. Children under the age of 18 may not work for more than 6 hours continuously between the hours of 8 p.m. and 6 a.m., or during weekends, religious celebrations, or national holidays. Children under 18 may not work in hazardous occupations. Provisions in the labor laws do not extend to

children in the informal sector, which consists of agriculture, domestic labor, and small family businesses.

The law provides that employers who hire a child under the age of 16 must pay a fine ranging from \$140 to \$710 (100 to 500 dinars). The fine is doubled if the offense is repeated. The government, however, provided little training on child labor to the 72 MOL inspectors responsible for enforcing the relevant laws. When investigating child labor, inspectors generally acted to ameliorate the situation of the involved families, including directing some adult family members toward job training programs. In the past some government officials claimed that if children were barred from working, they would lose important income on which their families depended, and might turn to more serious activities, such as drug trafficking and prostitution, for income.

The MOL's Child Labor Unit received, investigated, and addressed child labor complaints (although it has no formal mechanism for doing so) and coordinated government action regarding child labor. Anecdotal evidence suggested that child labor, especially of street vendors, was more prevalent during the year than it was 10 years ago. Despite the difficulty in accurately measuring the extent of child labor, child labor is particularly noticed in big cities, where children work in mechanical workshops or as peddlers at traffic lights. A 2001 official study estimated that 38 thousand children were working.

On December 10, the International Labor Organization, in cooperation with the Jordan Chamber of Industry, held a training session titled "international and national legislation mechanisms to fight child labor." The session assembled several chambers of industry and commerce throughout the country, many government-sponsored programs, and coordinators of the National Program to Combat Child Labor from several ministries.

The law does not specifically prohibit forced or bonded labor by children; however, such practices were not known to occur (see section 6.c.).

e. Acceptable Conditions of Work.—In July the government increased the national minimum wage by 5.88 percent, from \$119 to \$127 (85 to 90 dinars) per month. Previously, the last minimum wage increase occurred in January 2003, when the government increased it from \$113 to \$120 (80 to 85 dinars) per month. The minimum wage applies to all workers except domestic servants, those working in small family businesses, and those in the agricultural sector. Inspectors from the MOL enforced the minimum wage, but due to limited resources were unable to ensure 100 percent compliance. Although the increase exceeded the 2002 1.8 percent cost of living increase, the national minimum wage did not provide a decent standard of living for a worker and family. The government estimated that the poverty level was at a monthly wage of approximately \$47 (33 dinars) per month per capita.

The law requires overtime pay for hours worked in excess of the standard workweek, which generally is 48 hours. Workers may not work more than 10 hours in any continuous period or more than 60 hours of overtime per month. Employees are entitled to one day off per week. Labor law does not apply to small family businesses, domestic servants, and nonprofessional and nontechnical workers in the agriculture sector. However, it does apply to citizens and noncitizen workers in other sectors. There is a separate civil service law. The law specifies a number of health and safety requirements for workers, which the MOL is authorized to enforce. The law requires employers to report industrial accidents to the ministry within 48 hours. Although employers are not required to report occupational diseases to the ministry, the law stipulates that if the medical authority determines that a worker suffers an occupational disease as a result of his work, the employer is liable for compensation. The ministry mediates disputed amounts of compensation in cases of occupational disease. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs.

According to the MOL, there were 218,756 registered noncitizen workers in the country. The majority of whom were engaged in low-wage, low-skill activities in the agriculture, construction, and industrial sectors. According to the government and independent surveys, approximately 26 thousand of these workers were employed in the Qualifying Industrial Zones (QIZs). Foreign workers in the QIZs were recruited through a vetted process involving registered recruitment agencies. The embassies for a number of the major source countries of this labor sent officers to the QIZ factories to track labor conditions.

Domestic servants have no legal redress for labor grievances and cannot sue in court for nonpayment of wages. Abuse of domestic servants, most of whom were foreign, was widespread, though not thoroughly documented. Employers routinely limited their domestic employees' freedom of movement, and often illegally confiscated travel documents. Victims, who feared losing their employment and being returned to their home country, generally did not report complaints to government officials.

In 2003 the MOL instituted a number of new requirements for employment agencies that provide ministry oversight of FDWs' recruitment and employment. The ministry actively closed unlicensed recruiting agencies, but the lack of awareness among FDWs of their legal protections remained an impediment that the ministry worked to address. In cooperation with UNIFEM and several source country embassies, the government also introduced a new standard work contract with greater protections that applied to all FDWs arriving since July 2003.

KUWAIT

Kuwait is a constitutional, hereditary emirate ruled by the al-Sabah family, which governs in consultation with prominent families and the elected National Assembly. The 1962 constitution grants the emir executive and legislative authority and permits dissolution of the elected National Assembly by decree. Kuwait has a population of 2.9 million residents, approximately 970 thousand of whom are citizens. During the July 2003 parliamentary elections, the electorate consisted of approximately 143 thousand male citizens, and there were no political parties. Within these parameters and recognizing that the government and the opposition reportedly bought votes, the elections were generally considered to have been free and fair. Following the 2003 elections, the emir appointed a new prime minister whose authority the crown prince previously held. The prime minister appoints all officials in the executive branch; however, the National Assembly has at times influenced or overturned government decisions. The constitution provides for some judicial independence; however, the emir appoints all judges, and the Ministry of Justice must approve the renewal of most judicial appointments. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

The government improved its human rights record by granting women the right to vote; however, serious problems remained. The following human rights problems were reported:

- no right to change the government
- abuse of and alleged torture of detainees
- official impunity
- poor prison conditions in certain facilities
- restricted civil liberties—freedoms of speech, press, assembly and association
- limited freedom of religion and of movement
- corruption
- violence and discrimination against women, especially noncitizens
- abuse of noncitizen domestic workers
- unresolved legal status of *bidoon* Arabs
- restricted worker rights

On May 16, the National Assembly approved legislation to grant women the right to vote and seek elected office; however, women were not eligible to vote in the June 2 municipal council elections because the annual February voter registration period had passed.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one reported arbitrary or unlawful killing. On February 8, Amer Khlaif al-Enezi, the 30-year-old leader of the Peninsula Lions militant group responsible for January confrontations with security forces, died in a military hospital. Although there were allegations of torture, the government denied detainee abuse, and the hospital attributed the death to heart failure. National Assembly members called for an investigation. At year's end an investigation was not conducted. The Ministry of Interior's (MOI) forensics office produced a medical report that, Amnesty International (AI) and other critics claimed, was not impartial.

On January 31, one civilian was killed during security force battles with Islamic militants (see section 1.c.).

b. Disappearance.—There were no reports of politically motivated disappearances. The fate of 544 citizens and 61 other residents taken prisoner during Iraq's occupation of the country in 1990–91 remained a highly emotional issue. Of the 605

missing, the remains of 227 were identified by DNA tests, the majority exhumed from mass graves in Iraq after the fall of the Saddam Hussein regime. The Tripartite Commission on Gulf War Prisoners of War (POWs) and Missing Persons re-incorporated Iraqi participation shortly after the end of major hostilities in Iraq.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, some police and members of the security forces reportedly abused detainees, and there were allegations of torture during interrogation. Police and security forces were more likely to inflict such abuse on non-citizens, particularly non-Gulf Arabs and Asians, than on citizens. The government stated that it investigated all allegations of abuse and punished at least some of the offenders; however, in most cases the government did not make either the findings of its investigations or punishments it imposed public.

In February a citizen journalist claimed security officers beat him with sticks after he was arrested January 5 on charges of spreading news that harmed the national interest (see section 2.a.). On May 24, six Islamic militants, whose leader died in custody (see section 1.a.), suspected of engaging in deadly gun battles with security forces in January alleged they had been tortured, including beatings to their backs and on their feet, while in police custody. On September 6, a court-appointed, independent medical commission confirmed that the suspects had scars from beatings; however, it did not indicate the presumed cause or estimated date of the injuries.

There were reports of police raping detainees. In August 2004 three policemen were arrested for allegedly raping a female domestic employee of Asian origin at a police station and at another location. Officials from the victim's embassy reported the incident to the police, who launched an investigation. There were no public developments at year's end.

Defendants have the right to present evidence in court that they were mistreated during interrogation; however, the courts frequently dismissed abuse complaints because defendants were unable to provide physical evidence of abuse. Members of the security forces routinely concealed their identities during interrogation, complicating confirmation of abuse.

Prison and Detention Center Conditions.—Prison conditions varied, and some were poor. The government permitted visits by independent human rights observers.

In their April 18 report, the National Assembly's Human Rights Defense Committee (HRDC) reported severe overcrowding, poor sanitation, inadequate containment of infectious diseases, and lack of sufficient medical staff as common problems in the old prison complex.

There were reports that authorities mistreated prisoners and failed to prevent inmate-on-inmate violence, including rape. During the year expatriates at the deportation facility in Shuwaikh were incarcerated between 10 days and 2 months, on average, awaiting deportation.

Construction of a new men's prison was finished in 2004, and the first prisoner transfers took place during the year, reducing previously severe overcrowding conditions at the older, 3,000-bed prison. The new facility met all international standards for prisons.

The Ministry of Awqaf and Islamic Affairs (MAIA) offered job skills and societal values training to inmates, and the Social Reform Society, an Islamist nongovernmental organization (NGO), provided drug rehabilitation programs for incarcerated addicts.

The HRDC monitored prison conditions throughout the year and visited the facilities in March. The government allowed the International Committee of the Red Cross (ICRC), which maintains an office in the country, access to certain categories of inmates: Iraqi prisoners of war, *bidoon* (Arabic for "without" meaning "without citizenship") (see section 5), citizens of states without diplomatic relations with the country, and a returned citizen detainee from Guantanamo (see section 4).

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. In general police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (see section 1.f.), although in misdemeanor cases the arresting officer may issue them. There were credible reports of police arresting and detaining foreigners without a warrant, based on accusation by a third party.

Role of the Police and Security Apparatus.—The police, responsible for law enforcement and nonnational security-related crimes, constitute a single national force. The Kuwait State Security oversees intelligence and national security-related matters. Both are under the purview of civilian authorities of the MOI. The military is responsible for external security.

During the year there were credible reports of police corruption and abuse of detainees during interrogation (see section 1.c.). In September the criminal court sentenced two prison guards for smuggling cell phones to prisoners in exchange for bribes. However, unlike in the past, no security officials were relieved of their duties as a result of credible allegations of abuse of detainees during interrogation. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers worthy cases to the courts for trial. There were no reported government efforts during the year to reform the police or security forces.

Arrest and Detention.—According to the penal code, suspected criminals may be held at a police station for up to four days without charge, during which time security officers may prevent lawyers and family members from visiting them. In such cases lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail system for defendants awaiting trial. Detainees were allowed prompt access to a lawyer of their choice. There were no reports of political detainees.

Of the approximately 3,500 persons serving sentences or detained pending trial, approximately 150 were held in the “state security ward” on security grounds, including some held for collaborating with Iraq during the 1990–91 occupation.

The government did not return deportees to their countries of origin forcibly, allowing those who objected to remain in detention (see section 2.d.) Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary and the right to a fair trial and states that “judges shall not be subject to any authority”; however, the emir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, many of the judges were noncitizens who held one- to three-year renewable contracts. The Ministry of Justice (MOJ) may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed that the courts showed bias in favor of citizens.

The secular court system tries both civil and criminal cases, all of which originate from the court of first instance, composed of a three-judge panel. Both defendants and plaintiffs may appeal a verdict to the high court of appeals, with a three-judge panel, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. High court of appeals decisions may be presented to the court of cassation, which conducts a limited, formal review of cases by five judges to determine only whether the law was applied properly. The emir has the constitutional authority to pardon or commute all sentences.

Trial Procedures.—By law criminal trials are public unless a court or the government decides that “maintenance of public order” or “preservation of public morals” necessitates closed proceedings. There is no trial by jury.

Defendants, who enjoy a presumption of innocence, have the right to confront their accusers and appeal verdicts. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. The Bar Association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases. Virtually all indigent criminal defendants asked for and received free counsel, totaling approximately 15 referrals per day. Very few indigent civil and commercial plaintiffs requested this service. The law affords these protections to all citizens. Once the case went to trial, defendants and their attorneys had access to government-held evidence relevant to their cases.

Sunni and Shi’a Shari’a (Islamic law) courts have jurisdiction over family law cases for Muslims. Secular courts allow anyone to testify and consider male and female testimonies equally; however, in the family courts the testimony of a man is equal to that of two women. The constitutional court has the authority to issue binding rulings concerning the constitutionality of laws and regulations. The court, whose members are senior judges from the civil judiciary, also rules in election disputes. The martial court convenes in the event the emir declares martial law. There is no functioning military court.

Political Prisoners.—There were no reports of political prisoners during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for individual privacy and the sanctity of the home, and the government generally respected these rights in practice. The law generally requires police to obtain a warrant to search both public and private property; however, it permits searches without warrant if alcohol or narcotics are suspected on the premises or

if police are in pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the state prosecutor or, in the case of searches of private property, from a judge (see section 1.d.). The security forces occasionally monitored the activities of persons and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the military to obtain government approval to marry foreign nationals. In practice the government only offers nonbinding advice in such matters (see section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and the press “in accordance with the conditions and in the circumstances defined by law”; however, the government restricted these rights in practice. The government practiced prepublication censorship, and journalists continued to practice self-censorship.

The press and publications law prohibits the publication of any direct criticism of the emir or of official government communications with other states and bans material that serves to “attack religions” or “incite people to commit crimes, create hatred, or spread dissension among the public.” For violating the law, article 28 provides a maximum imprisonment of six months, increased to one year if repeated, and/or a fine. Administrative punishments are also possible, including confiscation, closure, and withdrawal of licenses without a court ruling. The criminal law also contains an array of press-related charges, such as offense to religious sensibilities, public morality, and the “basic convictions of the nation.” The MOI threatened to impose penalties against individual publishers and editors believed to have criticized government policies or discussed subjects deemed offensive to Islam, tradition, or the state.

The country had five Arabic and three English-language daily newspapers, all of which were privately owned. The government owned and controlled nine local radio and five television stations. In October 2004 the country’s first private television news channel, Al-Rai, began broadcasting. The private satellite channel was affiliated with its sister company, *Al-Rai Al-Aam* newspaper.

International media outlets operated bureaus in the country. On May 10, the government permitted Qatar-based Al-Jazeera to reopen its office after having closed the operation in 2002 for the channel’s “hostile” stance toward the country and for security reasons.

There were reports of security forces subjecting journalists to arrest during the year. On January 5, police detained a citizen correspondent from Dubai-based Al-Arabiya news channel and a journalist from the Kuwait News Agency on charges of reporting news that “harmed the national interest.” On January 8, they were released on bail and acquitted by a criminal court on May 21. On September 20, the high court of appeals upheld their acquittals.

The law requires jail terms for journalists who defame religion (see section 2.c.). The law provides that any Muslim citizen may file criminal charges against an author whom a citizen believes to have defamed Islam, the ruling family, or public morals. Citizens often filed such charges for political reasons.

Although acquitted in January, an appeals court sentenced Ahmed al-Baghdadi on March 19 to a 1-year suspended sentence, \$6,840 (2 thousand dinars) fine, and 3 years’ probation for a June 2004 article in which the author criticized the Ministry of Education (MOE) for increasing Islamic education lessons at the expense of music courses. The newspaper’s editor received a \$171 (50 dinars) fine for publishing the column. Three Islamist activists filed the suit claiming the article defamed Islam.

The government ended legal prepublication censorship in 1992. However, journalists continued to practice self-censorship.

Satellite dishes were widely available and operated without restriction. However, the MOI censored all books, films, periodicals, videotapes, and other imported publications deemed morally offensive. The MOI censored media for political content and did not grant licenses to political magazines. The MOI controlled the publication and distribution of all informational materials.

Publishers must obtain an operating license from the MOI to begin publishing a newspaper. There is no process for appeal if the license is not granted. Publishers may lose their license if their publications do not appear for six months, a stipulation preventing publishers from publishing sporadically. Individuals also must obtain permission from the MOI before publishing any printed material, including brochures and wall posters.

The MOI’s Technical Compilations Department-Cinema Censorship Section censored movies shown in theaters based on objectionable content such as sexual scenes, including kissing; extreme violence; and profanity.

According to the latest government statistics, there were approximately 567 thousand Internet users. On February 6, the Ministry of Communications (MOC) began blocking Web sites considered to “incite terrorism and instability.” The government required Internet service providers to block some political sites and webpages deemed immoral. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the MOC upon request.

The law provides for freedom of opinion and of research; however, academic freedom was limited by self-censorship, and academics were legally prohibited from criticizing the emir or Islam.

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. Although public gatherings required government approval, the law protects *diwaniyas* (informal weekly social and political gatherings). Many adult male citizens, including members of the government and of the National Assembly, and increasing numbers of female citizens hosted or attended diwaniyas to discuss current events. The diwaniya system provided an important forum for public debate on economic, political, and social issues. Women also held diwaniyas of their own, but such diwaniyas were uncommon; a few diwaniyas were open to both sexes. The government required a permit for demonstrations, which it issued routinely.

There were a few public demonstrations during the year. Demonstrators were orderly, and the police did not interfere in most cases. For example, on February 21, 200 marchers protested peacefully near the Lebanese embassy, a week after the assassination of former Lebanese prime minister Rafiq al-Hariri, as police looked on. On March 7, an estimated 700 men and women rallied in front of the National Assembly in support of women’s suffrage. On May 16, a pro-rights demonstration of 50 persons preceded the assembly’s vote to grant women’s political rights.

Freedom of Association.—The law provides for freedom of association; however, the government restricted this right in practice. The law prohibits associations from engaging in political activities. The government refused to recognize political parties; however, several unofficial parliamentary blocs existed and were active in the National Assembly (see section 3).

The government used its power to license as a means of political control. There were 72 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) licensed 19 NGOs during the year compared with only 1 in 2004. There were 160 NGOs pending licensing by the MOSAL; many had been waiting years for approval.

NGOs licensed prior to 2004 continued to receive an annual government subsidy of \$41,040 (12 thousand dinars) for their operating expenses, including travel to international conferences. Newly licensed NGOs, however, no longer qualified for financial assistance. The MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those proposed by the petitioners. The minister has the prerogative to change a proposed NGO’s name prior to licensing. Members of licensed NGOs must obtain permission from the MOSAL to attend international conferences (see sections 2.d. and 4).

There were hundreds of unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations did not receive government subsidies and had no legal status. The government reportedly did not close any unlicensed NGOs or unregistered branches of Islamic charities during the year. The government removed more than 80 unlicensed street-side charity boxes during the year in an attempt to regulate fundraising and prevent misuse of funds.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, the government placed some limits on this right. The constitution protects the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. The constitution declares that Islam is the state religion and that Shari’a is “a main source of legislation.”

The MAIA has official responsibility for overseeing religious groups. Officially recognized Christian churches must deal with a variety of governmental entities, including the MOSAL (for visas and residence permits for clergy and other staff) and the local municipality (for building permits). While reportedly there was no official government “list” of recognized churches, seven Christian churches had some type of official recognition enabling them to operate openly. These churches—Anglican, Armenian Orthodox, Coptic Orthodox, Greek Catholic (Melkite), Greek Orthodox, National Evangelical (Protestant), and Roman Catholic—had open “files” at the MOSAL, allowing them to bring in staff.

Four denominations were widely understood to benefit from full government recognition and were allowed to operate compounds officially designated as churches: Anglican, Coptic Orthodox, National Evangelical, and Roman Catholic (including Latin Catholic and Maronite). However, there were quotas on the number of clergy and staff they could bring into the country, and most existing facilities were inadequate to serve their respective communities.

On September 29, the government announced a grant of 6,500 square meters to the Melkite Catholics to construct a new church. However, on December 20 the Municipal Council reduced the amount to two thousand square meters for the building and two thousand square meters for a parking lot. The parking lot would be public, so the church would not have exclusive use of it. Church leaders rejected this offer and were pursuing the matter further. In 2004 the National Evangelical Church petitioned the government for 15 to 20 acres of new land to alleviate overcrowding. The government had not responded by year's end.

The government prohibited missionaries from proselytizing to Muslims, although they may serve non-Muslim congregations. The law prohibits organized religious education other than Islam; however, the government did not enforce this law rigidly, and informal religious instruction occurred inside private homes and on church compounds without government interference. Government inspectors reportedly visited public and private schools outside church compounds periodically to ensure that no religious teaching other than Islam took place. There were credible reports that government inspectors periodically monitored religious worship services for possible antigovernment, extremist, or proselytizing rhetoric. The Islamic Presentation Committee (IPC), under the authority of the MAIA, actively encouraged proselytizing to non-Muslims.

A 1980 law prohibits the naturalization of non-Muslims; however, citizens who were Christians before 1980 were allowed to transmit their citizenship to their descendants.

By law a non-Muslim man must convert to Islam when he marries a Muslim woman. The law forbids marriage between Muslim women and non-Muslim men (see section 1.f.). A non-Muslim woman is not required by law to convert to Islam to marry a Muslim man. In practice, however, many non-Muslim women faced tremendous economic and societal pressure to convert. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of any children. Failure to convert may also result in a wife not being eligible to inherit her husband's property or to be naturalized.

Societal Abuses and Discrimination.—The Shi'a minority remained disadvantaged in the provision of mosques, access to Shi'a religious education, and representation in higher levels of the government. Approximately 287 thousand citizens (30 percent of the total) and an estimated 100 thousand noncitizen residents are Shi'a. There were approximately 36 Shi'a mosques and approximately 1,070 Sunni mosques. Five Shi'a were elected to the 50-seat National Assembly in 2003, compared with 6 Shi'a in the previous assembly. On June 15, the government appointed the first woman, a Shi'a, to the Council of Ministers. The government allows Shi'a to follow their own jurisprudence in matters of personal status and family law at the first instance and appellate levels.

Shi'a were free to worship without government interference, and the overall situation for Shi'a improved somewhat during the year. Since 2001 the government has approved the establishment of six new Shi'a mosques, three of which were under construction. The Municipal Council still has not provided licenses to begin construction of the other three mosques.

There were no facilities in the country to educate Shi'a imams. The MOE reviewed a Shi'a proposal to establish a private college to train Shi'a clerics in the country rather than in Iran or Iraq; however, no action had been taken by year's end. On January 22, a Shi'a leader called on the MOE to remove references declaring Shi'a as nonbelievers from high school Islamic education textbooks, which are based on the Sunni interpretation of Islam.

Unlike in the previous year, the country's Shi'a population was not permitted to publicly celebrate one of their religious traditions. In February the government denied a request to reenact the Battle of Karbala, but Shi'a openly celebrated the holiday with police protection at mosques and tents.

Members of religions not sanctioned in the Koran, such as Baha'is, Buddhists, Hindus, and Sikhs, may not operate official places of worship as these religions lack legal status. However, they were allowed to worship privately in their homes without government interference.

While some discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. A few Muslim converts to Christianity reported harassment and discrimination by police and employers.

There were no reports of anti-Semitic acts on behalf of the government. Unofficial anti-Semitic commentary from the media and from some mosque preachers did occur. On August 7, a private citizen purchased newspaper space to run an advertisement with anti-Semitic imagery. On August 10, the government referred the two newspapers that carried the advertisement to the attorney general for prosecution under the law, which forbids publishing religious material without a license. The government took no action to enact laws relating to the protection of the rights to religious freedom of Jews, although there are no known Jewish citizens. There is no known expatriate Jewish community present. There had been past examples of anti-Semitic rhetoric in government-sponsored education curricula, specifically in reference to the Arab-Israeli conflict. In May the MAIA sponsored a conference on moderation and tolerance. In September the MAIA conducted a workshop for mosque imams and preachers to combat extremism and violence.

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 some limits on freedom of movement in practice. Citizens have the right to travel freely within the country and to change their residence and workplace as desired.

Unmarried women must be 21 years of age or older to obtain a passport and travel abroad without permission of a male relative. Married women must obtain their husbands' permission to apply for a passport. A married woman with a passport does not need her husband's permission to travel. Immigrant authorities, at the husband's request, may prevent her departure from the country by a 24-hour travel ban, after which a court order is required to prevent the wife from leaving the country. In practice, however, many travel bans were issued without court order, effectively preventing citizens and foreigners from departing.

All minor children under 21 years of age require their father's permission to travel outside the country.

The law permits the government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The law also permits any citizen to petition authorities to place a travel ban against any other person suspected of violating local law. In practice this has resulted in citizens and foreigners being prevented from departing the country without investigation or a legal case going before a court of law. Although illegal, many citizen employers routinely confiscated the travel documents of foreign employees, forcing them to remain in the country against their will. There did not appear to be any concerted government effort to prevent employers from engaging in this practice.

Members of licensed NGOs must obtain government approval to attend international conferences as official NGO representatives (see sections 2.b. and 4). The government severely restricted the ability of its bidoon population to travel abroad (see section 5). However, the government permitted some bidoon to travel to Saudi Arabia during the year for the annual hajj pilgrimage. In accordance with the law, the MOI issues bidoon a single-use passport for hajj travel.

The law prohibits the deportation or forced exile of citizens, and there were no reports of such practices during the year. The penal code stipulates that noncitizens convicted of felonies be deported after finishing their jail terms. Under this provision, citizens can lose their citizenship if sentenced for a felony during the first 10 years of obtaining citizenship, discharged from a public job for "acts against integrity" during the first 10 years after obtaining citizenship, or determined to have established residence in a foreign country and have joined an authority designed to undermine the country.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the UN 1951 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 protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum. The law prohibits the extradition of political refugees. The government stated that it did not deport persons who claimed to fear persecution in their home countries; however, it often kept such persons in detention rather than grant them permission to live and work 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.

In February the government ceased to permit the ICRC to verify whether deportees objected to returning to their countries of origin and detained them with objec-

tions until they either changed their minds or made alternative travel arrangements.

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

Citizens did not have the right to change their government. The law provides that the elected National Assembly must approve the emir's choice of crown prince (the future emir). If the assembly rejects the emir's nominee, the emir then submits three names from which the assembly must choose. In order to vote and seek election to the National Assembly, citizens must be at least 21 years of age, have been citizens for at least 20 years, and not be members of the armed forces, police, or other MOI uniformed personnel.

Under the law the emir holds executive power and shares legislative authority with an elected National Assembly. The emir appoints the prime minister who presides over a 16-member cabinet (Council of Ministers), whom the prime minister chooses in consultation with the emir.

The law empowers the emir to suspend its provisions and rule by decree in a state of emergency when martial law is declared. The constitution provides that cabinet members sit in the National Assembly and vote on legislation. There are 50 elected National Assembly members, each of whom serves a 4-year term, and 15 appointed cabinet members who sit as ex-officio members. At least one member of the cabinet must be an elected member of parliament (MP).

Members regularly require ministers to appear before the full National Assembly for formal inquiries, known as "grillings," when MPs are dissatisfied with their own or a ministry's performance. In the past pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers.

Elections and Political Participation.—There were no reports of corruption or fraud associated with the June 2 municipal council elections, a body with national jurisdiction over infrastructure development and commercial planning. The council, with a 4-year term, is composed of 16 members, 10 popularly elected and 6 appointed by the government.

During the July 2003 parliamentary elections, the electorate consisted of approximately 143 thousand male citizens and there were no political parties. Within these parameters and recognizing that the government and the opposition reportedly bought votes, the elections were considered to have been relatively free and fair.

The government has not proposed legislation to recognize political parties, which are neither prohibited nor allowed by the law; however, several well-organized and unofficial blocs, acting much like political parties, existed and were active in the National Assembly. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's 25 constituencies. The top two finishers in each constituency are elected in single-round balloting.

On January 29, Salafi Islamist leaders, an opposition faction, held a press conference announcing the establishment of a political party, Hizb Al-Ummah (Nation's Party), to confirm the right of political pluralism, transfer power through peaceful means, adopt Shari'a, and reject all forms of foreign occupation. On February 1, in response to the group's pronouncement, the public prosecutor charged nine of the Salafi leaders with plotting to overthrow the government and violating association and press laws, crimes carrying a maximum sentence of 15 years in prison. They were released on \$1,026 (300 dinars) bail after a 10-hour interrogation. The case never came to trial.

In accordance with the practice of the ruling family, but not required by the law, the crown prince has also been the prime minister; however, in an unprecedented development in 2003, the emir named one of his brothers, the then foreign minister, as prime minister, who promptly formed a new cabinet.

On May 16, the National Assembly passed legislation granting women the right to vote and run for elected office. On June 3, the government appointed women to two of the six nonelected municipal council spots. On June 15, the prime minister appointed a woman as minister of planning and minister of state for administrative development, the first-ever female cabinet member. Women also held some relatively senior nonpolitical positions within certain ministries. The country's ambassador to its United Nations Mission was female. Regarding the May 16 legislation that granted women full political rights, a group of Islamist parliamentarians attached an amendment to the law, which passed, requiring women to conduct themselves in accordance with Shari'a when participating in political activities; the amendment's impact was unclear.

The prime minister appointed 1 minority Shi'a member to the 16-member cabinet as the minister of information in 2003; however, he resigned on January 2 pending

parliamentary questioning. Parliamentary questionings forced the resignation of three other ministers, none of whom were Shi'a, during the early months of the year. The new minister of planning, appointed on June 15, became the sole Shi'a cabinet member. Of 50 elected National Assembly members, 5 were Shi'a.

Government Corruption and Transparency.—There was corruption on the national level during the year by citizens and noncitizens; foreign workers and a minor official were convicted and the deputy prime minister was exonerated. On May 31, a group of current and past lawmakers launched a local chapter of the Global Organization of Parliamentarians Against Corruption to combat corruption and educate the public about its societal dangers. On June 22, the criminal court sentenced three men, including an official from the Capital Works Permits Department, to 5 years in prison for accepting an \$8,721 (2,550 dinars) bribe to forge 49 work permits. The court also required the government official, originally charged in February, to pay \$17,100 (5 thousand dinars) in fines. On October 19, the court of appeals reduced the official's incarceration to three years and the other men's to two years. On September 4, the media reported up to 1,200 noncitizen nurses had been forced to pay bribes of \$1,710 (500 dinars) to \$8,550 (2,500 dinars) to the Ministry of Health's (MOH) appointment committee to secure healthcare jobs. The MOH announced on September 10 the formation of an independent panel to investigate the charges. An investigation was ongoing at year's end.

The law provides for public access to unclassified government information by citizens and noncitizens alike. The government enforced this law in practice.

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

The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. The only local human rights NGO was the Kuwait Human Rights Society (KHRS), licensed in August 2004. The KHRS produced an annual report on human rights in the country in the past, sporadically published a magazine, and occasionally met with senior government officials.

The government permitted international human rights organizations to visit the country and establish offices, although none operated in the country. Several organizations, including AI and Human Rights Watch, conducted fieldwork and reported good communication with and reasonable cooperation from the government.

The government has cooperated fully in the work of the UN Special Rapporteurs for Iran and Iraq and the high-level representative of the secretary general on the issue of its citizens missing in Iraq since the end of the Gulf War. The government permitted visits by international organizations. The International Labor Organization's (ILO) Regional Director for Arab States visited the country to discuss labor issues with government officials several times during the year.

The National Assembly's HRDC is an advisory body. The group visited the country's penitentiaries and recommended and sought funding for the construction of a nursery at the central prison, which was scheduled to open in 2006.

On June 6, the MOSAL established the Kuwaiti Society for Fundamental Human Rights. The NGO, open to all citizens, was created to protect and support human rights in addition to educating the public on the need to defend human rights.

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

The law prohibits discrimination based on race, disability, or language; however, in practice the government did not uniformly or consistently enforce laws against discrimination. A number of laws and regulations discriminated against women and noncitizens. There were no specific reports of any official or societal discrimination against persons with HIV/AIDS.

Women.—Violence against women continued to be a serious and overlooked problem. The law does not specifically prohibit domestic violence, although cases are tried as assault. Each of the country's 83 police stations reportedly received weekly complaints of domestic abuse. The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases are not reported, especially outside of the capital. Abusive husbands, if convicted, rarely faced severe penalties.

There are no shelters or hot lines for victims of domestic violence. Some noncitizen women married to citizen men reported domestic abuse and inaction or discrimination by police during the year. By law a victim of domestic violence may file a complaint with the police and request that formal charges be brought against the abuser. In practice, however, even with documented evidence of the abuse such as eyewitness accounts, hospital reports, and social worker testimony, police officials rarely took into custody perpetrators of domestic violence. An abused woman may petition for divorce based on injury, but the law does not provide clear legal standard as to what constitutes injury. In addition a woman must provide at least two

male witnesses (or a male witness and two female witnesses) to attest to the injury committed. Individuals reportedly bribed police officials to ignore charges of domestic abuse.

The law provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from public employment. However, rape and sexual assault remained serious problems, particularly for domestic servants and other foreign workers. Local newspapers highlighted numerous rape and sexual assault incidents during the year, mostly against female expatriates.

The police occasionally arrested rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. On July 16, a man pleaded innocent to an April 18 rape of a female medical student; at year's end he remained in police custody awaiting trial. On March 21, a man attempted to rape a female doctor at the Farwaniya Hospital. He remained in police custody at year's end. On August 23, police arrested an Egyptian male after a traffic violation for a warrant in connection with the rape of an Indonesian maid earlier in the month. In September 2004 three citizens and two Dominicans allegedly kidnapped and raped a Filipina maid; police arrested the five in October 2004.

Honor crimes are prohibited; however, article 153 of the penal code reduces penalties for these crimes to misdemeanors. The maximum sentence is three years in prison. There were no reported cases of honor crimes during the year.

In February 2004 police arrested a citizen male who held captive, molested, and tortured his wife. On March 27, the court of appeals overturned the man's November 2004 sentence of 15 years in prison after the defense argued he did not intend to molest his wife after learning of her marital infidelities.

The police actively enforced laws against pandering and prostitution, with arrests reported regularly. Prostitutes generally were deported to their countries of origin; some, however, were released after signing a pledge of good conduct. Procurers received stiff jail terms. Some unemployed, runaway foreign domestic workers were recruited or kidnapped into prostitution (see section 5, Trafficking).

The country is a destination for internally trafficked women, and instances of internal trafficking were reported during the year (see section 5, Trafficking).

There is no specific law that addresses sexual harassment. Human rights activists have characterized sexual harassment against women in the workplace as a pervasive but unreported problem.

Women continued to experience legal, economic, and social discrimination. Shari'a discriminates against women in judicial proceedings, freedom of movement, and marriage (see sections 1.e., 1.f., 2.d., and 2.c.). Inheritance is governed by Shari'a, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased. Citizen families (a "family" must always include a male) are entitled to receive a plot of land and a \$239,400 (70 thousand dinars) interest-free government loan ("housing allowance") to purchase a house. The government registers the house in the names of both the husband and the wife. However, in case of divorce, a female citizen loses her right to the house regardless of any payments she may have made on the loan. She may continue to reside in the house if she has custody of any minor children resulting from the marriage, but she must move once the children reach age 18. A divorced single mother and her minor children or a female citizen married to a noncitizen cannot, by law, qualify for the government housing allowance.

The law provides for female "remuneration equal to that of a man provided she does the same work." This provision, however, was not often respected in practice. The law prohibits women from working in "dangerous industries" and trades "harmful" to health. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 40 percent of female citizens of working age were employed. A few women have been appointed to senior positions in the government and state-owned Kuwait Petroleum Corporation, including one female minister and two municipal council members.

The law discriminates against female citizens married to noncitizen men, which constituted 4 percent of all marriages conducted in 2004. These women, unlike male citizens, are not entitled to government housing subsidies and are required by law to pay annual residence fees of \$684 (200KD) for their husbands and children. The law does not recognize marriage as the basis for granting residency to noncitizen husbands. Instead the law grants residency only if the husband is employed. By contrast, male citizens married to noncitizen women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Classes at all universities, private and public, are segregated by gender as required by law, although enforcement varies.

Polygamy is legal but more common among tribal elements of the population.

Children.—The government is generally committed to the rights and welfare of citizen children for whom education is free through the university level. Primary and secondary education are compulsory and universal. The Ministry of Planning estimated primary enrollment at 87 percent for the 2004–05 academic year. In the 2003–04 school year, 57 percent of children completed secondary school. Both boys and girls had equal access to the same quality of education.

The government provides free healthcare and a variety of other services to citizen children; noncitizen children must pay a small fee to be admitted into a health facility and pay additional fees for specialized care. Both boys and girls had access to the same quality of medical treatment.

There was no societal pattern of child abuse, although there were some isolated instances.

Citizen girls younger than 15, the legal age, continued to marry within some tribal groups. The MOJ estimated the incidence of underage marriage ranged from 2 to 3 percent of total marriages. The government attempted to educate the rural community via the MAIA and through imams in local mosques.

Underage Asian girls reportedly worked as domestic servants (see section 6.d.).

Citizen and legal resident boys as young as five- or six-years-old were reportedly used as camel jockeys. In February camel races continued to take place involving underage boys. In July the MOSAL reiterated a March 2004 ministerial decree banning this employment. On October 12, the Public Authority for Youth and Sports debuted robot camel jockeys, which replaced children effective the 2005–06 racing season. There were no reports of underage camel jockey use after October.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to the country. Laws against coercion, forced labor, kidnapping, prostitution, rape, slavery, and other acts can be used to prosecute trafficking crimes. Penalties for trafficking-related crimes range from fines and incarceration for assault and battery to life sentences for rape.

On September 20, police broke up a Filipino prostitution ring operating at a pool hall in Salmiya. Thirteen girls and four men were arrested for selling the services of runaway maids and illegal residents.

The country is a destination for men, women, and children trafficked primarily from Bangladesh, India, Pakistan, the Philippines, and Sri Lanka. Some foreign workers, mostly female domestics, have been abused by their employers and coerced into situations of debt bondage or involuntary servitude. Instances of laborers associated with visa trading schemes and women trafficked into prostitution were reported during the year. The principal traffickers were labor recruitment agencies and sponsors of domestic workers.

The physical or sexual abuse of foreign women working as domestic servants was a problem. Some employers physically abused foreign women working as domestic servants, and despite economic and social difficulties for a domestic servant to lodge a complaint, these women continued to report such abuse. The local press devoted considerable attention to the problem, and both the police and courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in pregnancies, and there were reports of illegal abortions. Occasionally domestic workers were charged with assaulting their employers; in such cases the workers claimed that they acted in response to physical abuse or poor working conditions.

In January two Filipina housemaids filed a case against their female employers for burning them with an iron. One received a release from her employer in February to continue working in the country. The other filed a case, which was ongoing at year's end, against the abusive sponsor and returned to the Philippines.

There also were dozens of reports of domestic workers allegedly committing or attempting suicide because of desperation over poor working conditions or abuse. On January 16, three Indonesian maids fell to their death from a sixth-floor balcony, reportedly attempting to escape from their employers. On February 7, a Filipina maid sustained serious injury after jumping from her sponsor's third-floor terrace.

On October 10, police rescued an Indian woman after she escaped from a building where she was held in captivity as a prostitute. The woman had reportedly been kidnapped and sold to her Bangladeshi captor. Police arrested two men in connection with the crime.

There were no specific reports of government or police involvement in trafficking during the year.

The government took some measures to protect trafficking victims. A conciliation center attached to a district police station processed some complaints filed by domestic servants or their source country embassies against abusive or exploitative employers. A government domestic labor office, under the authority of the MOI, investigated and resolved some labor complaints. MOI officials reported that the gov-

ernment revoked the licenses of 163 labor recruitment agencies for violating regulations during the year. There were 465 licensed agencies operating at year's end.

In June, per decree 568, the government designated the MOSAL to head an inter-ministerial committee (composed of officials from the Ministry of Commerce, MOI, and MOSAL) to coordinate antitrafficking efforts.

Noncitizen domestic employees have the right to sue their employers for abuse but few do, fearing judicial bias and deportation. Local news sources reported a few criminal cases filed against abusive employers by domestics, but informal out-of-court conciliation was attempted in most cases, usually with the assistance of the domestic's source country embassy. The government deported many runaway domestics.

Runaway servants, including those alleging physical or sexual abuse, often sought shelter at their country's embassy pending repatriation or a change in employer (see sections 6.c. and 6.e.). Of an estimated 450 thousand domestic servants in the country, an estimated 800 women were reported to be in informal shelters run by source country embassies on any given day during the year.

The government and NGOs took steps to assist trafficking victims. The courts prosecuted several trafficking-related crimes including an April 3 decision to jail a citizen for 15 years for an April 2004 case of abuse resulting in a maid's paralysis. On May 9, a maid was awarded \$4,460 (1,304 dinars) in restitution for unpaid wages. In early December police arrested a bidoon on charges of enslaving a domestic worker. The man reportedly confessed to the crime. The MOI occasionally paid for airline tickets or chartered planes to repatriate runaway or abused domestic servants when their employers refused to repatriate them. In 2004 some NGOs, such as KHRS and the Kuwait Friendship Society, also paid for return airline tickets or legal fees on behalf of runaway or abused domestics.

Employers often accused their runaway domestics of theft or other crimes to avoid furnishing tickets. In such cases the domestics often were deported without owed compensation. The MOI blacklisted some delinquent employers from sponsoring new domestics, but some used personal connections to circumvent the prohibition.

The government highlighted its efforts to prevent trafficking and improve protections. On July 8, the MOI issued a decree requiring a new three-party contract between domestic servants, sponsoring employers, and recruitment agencies. The new contract, of which enforcement was to begin in January 2006, affords servants three breaks per day, one month of paid leave per year, and on-time salary payment, among other provisions. The new contract replaced a previous version between the sponsor and the labor recruitment agency, outlining the rights and responsibilities of both parties.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrain from hiring persons with disabilities without reasonable cause. The law also mandates access to buildings for persons with disabilities. The government generally enforced these provisions. There was no reported discrimination against persons with disabilities; however, noncitizens did not have access to government-operated shelters or receive stipends to paid citizens with disabilities, which covered transportation, housing, job training, and social welfare.

On November 28, in commemoration of National Solidarity Day with the Disabled, the MOSAL participated in an awards ceremony honoring citizens with disabilities who played a more active role in society. The same day, the MOE announced the allocation of 160 thousand square meters to build an education facility for students with disabilities.

National/Racial/Ethnic Minorities.—The legal status of tens of thousands of bidoon residents remained unresolved. The bidoon are Arabs who have residency ties to the country, some persisting for generations and others for briefer periods, but who either lack or conceal documentation of their true nationality. The exact number of bidoon residents was unknown, but a 2004 government census estimated 107 thousand persons to be bidoon. Since the mid-1980s, the government has actively discriminated against the bidoon in areas such as education, employment, medical care, and mobility.

The MOE approved free education for all children of bidoon parents effective as of the opening of the 2004–05 school year. The bidoon also began to receive free health care. During the year the Waqf Health Fund, a partially government-funded program, signed contracts with several insurance companies to pay the fees for bidoon health services.

The government discontinued their access to most government jobs. Some bidoon served in the nonofficer ranks of the armed forces, although bidoon enlistees are now barred from joining. Others were accepted in the institutions of the Public Au-

thority for Applied Education and Training. The government denied the bidoon official documents such as birth certificates, civil identification, and marriage certificates, which made it difficult for many unregistered bidoon, particularly younger bidoon, to find employment. The government did not issue travel documents to bidoon routinely, and if bidoon traveled abroad without documentation, they risked being barred from returning to the country without advance permission from immigration authorities. The children of male bidoon inherit their father's undetermined legal status, even if born to citizen mothers.

Only bidoon registered by June 27, 2000, could begin the process under which they could be documented as citizens. According to this law, bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The government maintained that at least 40 to 50 percent of the bidoon were concealing their true identities. The government granted citizenship to approximately 1,769 bidoon during the year. In recent years a total of 10,200 bidoon received citizenship. There were 87,300 bidoon citizenship requests pending.

Many bidoon are unable to provide documentation proving sufficient ties to the country or present evidence of their original nationality, as they are truly stateless. Others, the government claims 26 thousand over the past several years, have disclosed their true nationalities and have obtained passports from their countries of origin: Iraq, Iran, Syria, Jordan, and Saudi Arabia. Once documented, bidoon are able to obtain residency permits and other official papers.

The political, economic, and long-term budgetary implications associated with extending citizenship, and the generous welfare benefits that come with it, to the equivalent of roughly 5 percent of the population have rendered the issue highly divisive.

There were no reports during the year of the government deciding the nationality of any bidoon without a hearing. There continued to be reports of bidoon obtaining false documents in order to apply for citizenship.

Other Societal Abuses and Discrimination.—Discrimination surfaced against homosexuals in societal attitudes and legal issues. In February police charged a group of 28 alleged homosexuals with creating a public disturbance after they met outside a fast-food restaurant.

Unmarried men faced housing discrimination based solely on marital status. Emiri decree 125 of 1992 prohibits single men from obtaining accommodation in many urban residential areas as determined by the Municipal Council. On September 10, the Council of Ministers approved a plan to construct housing for noncitizen single males on the outskirts of the capital and remove them from urban residential areas.

Section 6. Worker Rights

a. The Right of Association.—With the notable exceptions of the country's approximately 453 thousand domestic servants and maritime employees, the labor law provides that most workers have the right to join unions without previous authorization. Foreign laborers employed as domestics constitute one-third of the noncitizen workforce and are specifically excluded from the right to associate and organize. An estimated 80 thousand persons, or 5 percent, of a total workforce of 1.6 million were organized into unions.

For those workers who may join unions, the government restricts the right of freedom of association to only one union per occupational trade and permits unions to establish only one federation, the Kuwait Trade Union Federation (KTUF), which is composed of 15 unions. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of them citizens. Both the ILO and the International Confederation of Free Trade Unions have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and much of the private sector.

Workers' unions are essentially treated as parastatal organizations (NGOs in local parlance). After vetting and approval, MOSAL provides as much as 90 percent of their budgets. The expanded unions mainly benefited citizen laborers employed in the public sector, while expatriate workers continued to face restrictions.

The government licensed 3 new unions during the year, compared with 20 in 2004, including the Central Bank of Kuwait Laborers Union, Public Authority for Applied Education and Training Labor Union, and Public Environment Authority Laborers Union. At year's end there were 47 officially sanctioned workers' unions.

The government's pervasive oversight powers further eroded union independence. The government subsidized as much as 90 percent of most union budgets and may inspect the financial records of any union.

The most recent government statistics cited 1.4 million noncitizen laborers in the country, comprising 82 percent of the workforce. However, foreign workers constituted approximately 20 percent of KTUF members. The labor law discriminates against foreign workers by denying them union voting rights, barring them from leadership positions, and permitting them to join unions only after five years of residence, although the KTUF stated that this requirement was not widely enforced in practice.

The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The emir also may dissolve a union by decree. By law the MOSAL is authorized to seize the assets of any dissolved union. The law subordinates the legal existence of the unions to the power of the state; however, no union was dissolved during the year.

Unions may affiliate with international bodies. The KTUF applied for membership to the International Free Trade Union, and at year's end was awaiting a decision. Unions maintained their established relationships with the ILO.

The labor law prohibits antiunion discrimination. Any worker alleging antiunion discrimination has the right to appeal to the judiciary. Employers found guilty of such discrimination must reinstate workers fired for union activities. There were no reports of discrimination against employees based on their affiliation with a union.

b. The Right to Organize and Bargain Collectively.—The labor law provides workers, with the important exception of domestic servants and maritime workers, with the rights to organize and bargain collectively, subject to certain restrictions; the government generally respected in practice the rights of those workers covered by the law. The law limits the right of workers to strike. There were no reported strikes during the year. There are no export processing zones.

The law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most disagreements were resolved in such negotiations; if not, either party may petition the MOSAL for mediation. If mediation fails, the dispute is referred to a labor arbitration board composed of officials from the High Court of Appeals, the Attorney General's Office, and the MOSAL.

The civil service law makes no provision for collective bargaining between government workers and their employers. Technically, the government is responsible for establishing wages and employment conditions for civil service workers, but it generally determined benefits in consultation with civil service unions, such as the government Workers Union. Union officials resolved most issues at the working level and had regular access to senior officials.

The law limits the right of workers to strike. It requires all labor disputes to be referred to compulsory arbitration if labor and management are unable to reach a solution. The law does not contain any provision ensuring strikers' freedom from legal or administrative action taken against them by the state. However, the MOSAL was responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers. On December 6, members of the Union of Justice Ministry Employees protested "unjustifiably low" salaries for assistant judges outside the ministry without interference.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor "except in cases specified by law for national emergency and with just remuneration"; however, many unskilled foreign workers were treated as indentured servants (see section 6.e.).

Some foreign workers, especially less-skilled South Asian workers, lived and worked much like indentured servants. They frequently faced poor working conditions and at times encountered physical or sexual abuse (see sections 5 and 6.e.). In March a citizen employer reportedly tortured and tied his Asian worker to his pickup truck and dragged the victim to his death. The perpetrator claimed to have killed the foreigner because the victim stole something from him. At year's end the employer had not prosecuted.

Domestic servants who ran away from their employers as a result of abuse or poor working conditions were routinely treated as criminals under the law, falling under the purview of the MOI rather than of the labor law protections of the MOSAL. During the year there were dozens of reports of police arresting and charging domestic servants with crimes such as violating immigration procedures for attempting to escape from abusive employers. The police typically regarded such problems as matters of law and order and not as legitimate labor grievances. Employers or local labor recruitment agencies routinely withheld wages from domestic servants to cover the costs involved in bringing them to the country.

Foreign workers may not change their employment without permission from their original sponsors for whom they must have worked for at least two years, or one

year if the worker is a university graduate. Domestic workers were not protected by the labor law and were particularly vulnerable to abuses stemming from restrictions on transferring sponsorship. In many cases employers exercised control over their servants by withholding their travel documents, although the government prohibits this practice and in some instances acted to retrieve the documents of maids involved in disputes.

There are laws aimed at curbing visa trafficking with penalties for both employers and visa traders; however, the government seldom enforced these laws. Reports of illegal visa trafficking were widespread. In this system citizen sponsors agree to sponsor (in name only) foreign workers in exchange for a fee in the range of \$1,539 (450 dinars) to \$4,104 (1,200 dinars). Middlemen, generally noncitizens, would recruit workers from economically depressed source countries for a fee, take a commission, and remit the balance to the nominal sponsor. Once in the country, such agents transferred workers to employers in the informal sector or to parties otherwise unable to sponsor them. Foreign workers recruited with traded visas not only faced possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor) but also were extremely vulnerable to extortion by employers, sponsors, and middlemen.

Visa and residence trading resulted in a growing number of unemployed foreign workers in the country. Many were unable to earn enough money to pay the illegal fees often charged by their local sponsors or local labor recruitment agencies in exchange for residency and work permits. Many suffered from abuse or mistreatment at the hands of their unofficial employers. Abused foreign workers employed on the basis of illegally traded visas typically failed to report incidents of abuse or poor working conditions to authorities for fear of arrest and/or deportation. The government did not make significant progress in efforts to stop this practice, such as by closing front companies for visa traders.

The MOSAL's Labor Inspection Department is responsible for carrying out routine inspections of all private firms to ensure that all registered foreign workers were actually employed by their legal sponsors. The MOSAL suspended the files of employers caught violating labor regulations. According to its most recent statistics, the MOSAL carried out 37,441 inspections to verify whether employment laws were being followed and found 11,002 violations. In 31,172 workplace safety inspections, the MOSAL found 24,802 violations. Finally, in 260 inspections of company-provided housing, the MOSAL found 257 violations. The MOSAL had reportedly suspended over 1,500 employer files by year's end for possible labor violations.

The law prohibits forced and compulsory labor by children younger than 18; however, there were credible reports of boys used as camel jockeys and underage girls working as domestic servants (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law prohibits child labor, forced or compulsory labor, and exploitation of workers; however, there were credible reports of some underage domestic servants and camel jockeys.

The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the MOSAL to employ juveniles between the ages of 14 and 18 in certain trades. Juveniles may work a maximum of six hours a day on the condition that they work no more than four consecutive hours followed by a one-hour rest period.

Some underage workers reportedly falsified their ages in order to enter the country. Some young boys also were used as camel jockeys (see sections 5). In March 2004 the MOSAL issued a decree banning the employment of children under the age of 18 and 45 kilograms (99 lbs) in weight as camel jockeys. The decree, however, references parental consent, thus implying that employment, not participation, is being banned. Some businessmen and camel owners employed their children on a part-time basis. There was no evidence of the use of children jockeys after the introduction of robots in October.

During the year underage Asian girls reportedly worked as domestic servants after entering the country on false travel documents obtained in source countries.

The Labor Inspection Department monitored private firms routinely for labor law compliance, including laws against child labor. There were no reported government programs to prevent exploitative child labor or remove children from such labor.

e. Acceptable Conditions of Work.—An institutionalized, two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while noncitizen workers, even those in skilled positions, received substantially lower wages. A national minimum wage was in effect for public sector employees. Citizens were guaranteed at least \$684 (200 dinars) per month, while the noncitizens' wage was \$306 (90 dinars). The public sector min-

imum wage provided a decent standard of living for a worker and family. There was no legal minimum wage in the private sector. The MOSAL is responsible for implementing the minimum wage, which was effectively enforced.

Private sector wages ranged from \$17,100 (5 thousand dinars) per month for top managers of large companies to an average of \$1,370 (400 dinars) to \$3,420 (1 thousand dinars) for other skilled professionals and workers. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than \$137 (40 dinars) monthly. To be eligible to sponsor family members for residency, workers must receive a minimum wage of \$855 (250 dinars) per month, reduced from \$1,370 (400 dinars) in January 2004 for government employees and in September 2004 for those in the private sector. Many foreign workers who met the minimum income threshold often waited months for government approval to sponsor their immediate family members to the country. Effective in 2003, the government exempted public school teachers from the minimum salary threshold for sponsoring family members.

The law establishes general conditions of work for the private sector, with the oil industry regulated separately. The law limits the standard workweek to 48 hours with 1 full day of rest per week, 1 hour of rest after every 5 consecutive hours of work, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. The government had amended the law to extend the weekly one-day rest period to temporary workers employed less than six months and to workers in enterprises employing fewer than five persons. Domestic servants and other unskilled foreign workers in the private sector frequently worked in excess of 48 hours, often with no day of rest and no annual leave.

The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing working conditions were not applied uniformly to foreign workers. The civil service law also prescribes additional working conditions for the public sector, which consisted almost entirely of citizen workers.

The government has issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who used new machines in specialized institutes, and reported violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, government attention to worker safety issues remained insufficient, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop when the temperature rises above 50 degrees Celsius (120 Fahrenheit); however, there were allegations that the government's Meteorological Division falsified official readings to allow work to proceed. The Meteorological Division consistently denied these allegations. In the past recorded temperatures reached 120 degrees Fahrenheit, but work reportedly continued at many outdoor locations. On June 5, 200 MOSAL inspectors reportedly began enforcement of a noon to 4 p.m. ban on work in direct sunlight between June and August, regardless of temperature. Fines of \$342 (100 dinars) are levied on companies for every employee found working in the sun. Laborers reportedly worked in violation of the ban.

The law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker files a claim, the courts decide the amount of compensation, typically paid in a lump sum. Workers, especially noncitizens, had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations for workers exposed to environmental hazards on the job, such as chemicals and asbestos. Adequate and affordable health care is a serious problem for many foreign workers. The best medicines and certain kinds of specialized treatment officially were reserved for citizens. Noncitizens must pay an annual, government-mandated medical coverage premium to the MOH, required to obtain residency, and additional user fees for medical care, medication, required tests, or specialized procedures. Many employers deducted the medical fees from employees' salaries.

Employers often exploited workers' willingness to accept substandard conditions. Noncitizen workers, especially less-skilled South Asian laborers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue legal remedies. They faced contractual disputes, poor working conditions, and at times physical and sexual abuse (see sections 5 and 6.c.).

Most were in debt to their employers before they arrived in the country, and they had little choice but to accept the employer's conditions, even if they breached the contractual terms. It was common for wages to be withheld for a period of months or to be decreased substantially in violation of their labor contracts. Many foreign workers were forced to live in "housing camps," which generally were overcrowded and lacked adequate cooking and bathroom facilities. Laborers were housed 10 or more to a room in squalid conditions, a number without access to adequate running water. These workers were allowed off the camp compound only on company transport or by permission of the employer. Many foreign workers went heavily into debt and could not afford to return home.

Any foreign worker covered under the law, which excluded maritime workers and an estimated 450 thousand domestic servants, could submit a grievance to the Labor Office regardless of union status; however, such services were not utilized widely. The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services were not utilized widely. Any foreign worker could submit a grievance to the labor office regardless of union status.

The courts rule in favor of employees in an estimated 90 percent of the labor disputes they hear; however, no legal mechanism exists to enforce judgments. There is no compulsion for employers to obey court rulings, and workers often do not receive court-ordered compensation. Employers also reportedly used illegal methods to pressure foreign employees to drop cases against them, such as withholding their passports, encouraging police intimidation and brutality, threatening deportation, and filing criminal charges against them for fabricated crimes, such as theft.

The government implemented new measures designed to protect the welfare of workers. On April 29, the MOSAL implemented a 24-hour hot line for laborers to file complaints if their companies are more than 15 days delinquent in salary payments. The time period that recruitment agencies are responsible for resolving labor disputes involving domestic servants is six months. If problems continue, the sponsor or employer is responsible by law to resolve them. The MOI investigates and resolves labor disputes in cooperation with the laborers' representative embassies. Domestic labor department officers were assigned to liaise specifically with the Indian, Indonesian, Philippine, and Sri Lankan embassies on labor problems. The law requires companies to make a bank deposit for each expatriate worker hired, which the government could confiscate to reimburse employees for unpaid back-wages. The government reportedly compensated Bangladeshi workers by this method after their April 24 protest over unpaid back wages received widespread media coverage.

LEBANON

Lebanon is a parliamentary republic of 4.5 million citizens in which the president is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shi'a Muslim. President Emile Lahoud was elected in 1998 and his term was due to expire in November 2004; however, in September 2004, the Syrian regime pressured parliamentarians to pass a constitutional amendment that extended President Lahoud's term until November 2007. That coerced decision set off a chain of political events that led to massive demonstrations following former prime minister Rafiq al-Hariri's February 14 assassination, the eventual withdrawal of Syrian military forces from the country in April, parliamentary elections in May and June, and in July the first Lebanese government formed without Syrian control in nearly 30 years. The chamber of deputies (Majlis al-Nuwwab) consists of 128 deputies, equally divided between Christian and Muslim representatives. According to international observers, the May-June elections for the chamber of deputies were considered generally free and fair, although most political observers considered the boundaries of the electoral districts to be unfair. The elections resulted in a new, pro-independence majority in the parliament opposed to Syrian interference in the country. That majority used Lebanon's constitutional process to select Fouad Siniora as prime minister in July, reflecting the growing support for Lebanese freedom and democracy.

Despite the end of the Syrian military occupation of Lebanon, some Syrian interference in the country continued. Palestinian and Lebanese militias, particularly the terrorist organization Hizballah, often acted as Syrian proxies and retained significant influence over parts of the country. UN Security Council (UNSC) resolutions 1559 and 1614 require the government to take effective control of all Lebanese territory and disarm militia groups operating in Lebanese territory. The government had begun by the end of the year taking steps to isolate and limit Palestinian arms;

however, citing the need for an internal dialogue, the government had not taken steps to disarm extra-legal armed groups or to disarm Hizballah.

There was significant improvement in some areas, but the government's overall human rights record remained problematic. The following human rights problems were reported:

- limitations on the right of citizens to peacefully change their government
- arbitrary or unlawful deprivation of life
- incidents of excessive use of force and torture prior to April
- poor prison conditions
- lengthy pretrial detention and long delays in trials
- lack of judicial independence
- infringement on citizens' privacy rights
- restriction on freedoms of speech, press, and assembly prior to April
- targeting of journalists
- limitations on freedom of movement for unregistered refugees
- government corruption and lack of transparency
- domestic violence and societal discrimination against women
- violence against children
- widespread, systematic discrimination against Palestinians
- child labor

Throughout the year but particularly after April when Syrian military forces departed the country following a 29-year period of control, the country made significant progress with respect to human rights under a democratically elected parliament and a reform-oriented government. With the end of the Syrian occupation, press and media self-censorship decreased considerably, with most political taboos broken by year's end. Government attempts to restrict freedom of assembly during mass demonstrations also dissipated after the first few months of the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—After the April Syrian withdrawal, there were no reports of arbitrary or unlawful deprivation of life by the government or its agents. However, prior to April, four government intelligence and security officials, working in conjunction with the Syrian government, were reportedly implicated in high-profile arbitrary and unlawful deprivation of life. These four security chiefs were arrested and remained imprisoned at year's end after being declared suspects in the al-Hariri assassination by the UN International Independent Investigation Commission (UNIIC).

On February 14, a massive explosion in central Beirut killed 22 persons: former prime minister Rafiq al-Hariri, members of his security detail, and innocent bystanders. Also as a result of the blast, former minister Bassel Fulayhan suffered severe burns and died on April 18, and another 220 people were injured.

On February 18, at the request of UN Secretary General Kofi Annan, a fact-finding mission headed by Peter Fitzgerald, a deputy commissioner of the Irish police, was sent to the country to gather facts about the assassination. On March 24, Fitzgerald submitted his report recommending a broad follow-up investigation.

On April 7, the Security Council passed resolution 1595 calling for establishment of the UNIIC. German prosecutor Detlev Mehlis assumed his duties as Chief Investigator on June 15, and after four months' work, Judge Mehlis reported on October 19 to the UN secretary general. The report concluded that although more investigative work was needed, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without the knowledge of the Syrian and Lebanese intelligence services.

Based on the initial recommendations of Judge Mehlis, Lebanese judicial authorities issued arrest warrants for four senior generals who had been closely associated with the Syrian occupation of the country. The Lebanese judge in charge of investigating the case formally charged the security figures on four counts: premeditated murder, premeditated attempt of murder, terrorist activities, and possession of weapons and explosives. In October authorities arrested six additional Lebanese suspects. At year's end the UN investigation was continuing under the direction of a new chief investigator, Serge Brammertz, who had previously served as the deputy prosecutor at the International Criminal Court. The UNIIC, under the leadership of Brammertz, was also authorized by the UNSC to provide technical assist-

ance to the Lebanese judiciary in its continuing investigation of other acts of political violence that had been committed in the country since October 2004. The UNSC also requested that the UN consult with the government on the extent of international assistance needed for the eventual trial of the al-Hariri suspects.

The assassination of al-Hariri was followed by a number of terrorist attacks on prodemocracy politicians and journalists, as well as a number of residential and commercial centers. While no arrests were made in these cases, it was widely believed that these attacks were carried out by elements directed by the Syrian regime.

Numerous bomb attacks killed and injured political figures, as well as ordinary citizens, during the year. Investigations continued at year's end, but only in the al-Hariri case had any arrests been made. For example on June 2, Samir Kassir, a prominent anti-Syrian journalist, was killed in Beirut when a bomb placed under his car seat exploded. Kassir was a founding member of the Democratic Left Movement and played an important role in organizing the massive March 14 demonstration in Beirut that called for the withdrawal of Syrian troops from Lebanon, as well as for putting an end to Syrian control of the country's security services.

On June 21, former head of the Lebanese Communist Party George Hawi, was killed by a bomb that destroyed his car in West Beirut.

On July 12, a car bomb blasted the motorcade of Lebanon's defense minister and incoming deputy prime minister, Elias Murr, injuring him and killing one person. On September 16, an explosion in Jeitawi, Beirut killed one person and injured 23 others.

On September 25, an explosive device planted under the car of proreform journalist May Chidiac seriously injured her (see section 2.a.).

On December 12, the popular prodemocracy journalist and politician Gibran Tuani was assassinated, along with a bodyguard and a bystander, in a massive car bomb explosion as he was being driven to work. The outpouring of national grief in this instance led to a series of events that, by year's end, resulted in a political stalemate, with Hizballah and Amal ministers boycotting the Siniora government.

There were no developments in the July 2004 car bombing that killed Hizballah member Ghalib Awwali in the southern suburbs of Beirut.

There were no new developments in the 2003 car bombing that killed Hizballah member Ali Hussein Saleh in Beirut's southern suburbs. Some government officials accused Israel of carrying out the killing.

During the year violent cross-border attacks by Hizballah, Palestinian, and other unidentified armed elements against the Israel Defense Forces (IDF) continued.

With the departure of the Syrian troops in late April, the government began an investigation into the October 2004 assassination attempt against Druze politician Marwan Hamadeh. No arrests had been made by year's end.

The country's landmine and unexploded ordinance (UXO) problem was estimated by the National Demining Office at more than 550 thousand landmines and UXO throughout the country, with as many as 400 thousand of these in the former Israeli-occupied security zone in the south. From the late 1990s to the end of the year, approximately 150 thousand landmines and 80 thousand UXO had been destroyed. One million square meters of land were cleared during the year, much of it returned to productive use. According to the National Demining Office, there have been 2,813 landmine victims in the country since 1990. During the year there were 20 landmine victims, 2 of whom were deminers. Foreign governments continued to support these demining efforts.

On December 3, security forces discovered a mass grave at the site of a former Syrian intelligence headquarters in the town of Anjar. More than 20 bodies were found. In addition to the grave in Anjar, remains of Lebanese soldiers were also discovered in another mass grave in November at al-Yarze, next to the Ministry of Defense.

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

In January 2004 Hizballah and Israel carried out the first phase of a prisoner exchange involving 21 Lebanese civilian prisoners, the remains of 59 Hizballah fighters, the remains of 3 Israeli soldiers and [released] IDF reservist Elhanan Tannenbaum. A second phase, a promised Hizballah investigation into the fate of Israeli airman Ron Arad and the release of additional Lebanese prisoners by Israel, had not materialized at year's end.

The government had not disclosed the findings of a 2000 report investigating cases of disappearance during the 1975–89 civil war. Beginning in April, hundreds of friends and relatives of disappeared persons participated in a sit-in in front of UN offices in the country, calling on the UN Security Council to establish an international commission of inquiry into the cases of the disappeared. In August the gov-

ernment appointed a security/judicial committee to follow up with Syrian authorities on the cases of those Lebanese believed to have been detained in Syrian jails.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not specifically prohibit torture, and security forces abused detainees and in some instances used torture. Human rights groups, including Amnesty International and Human Rights Watch, reported that torture was a common practice.

During the period of Syrian control prior to April, former detainees at the Lebanese Ministry of Defense Detention Center and in Syrian jails stated that they were routinely tortured during interrogation. Methods of torture frequently included severe beating, food and sleep deprivation, and hanging by the wrists which were tied behind the back.

In September 2004 Ismail al-Khatib died in custody a week after being arrested as a suspected leader of al-Qa'ida. The government coroner reported al-Khatib, who was 31 years old, died of a massive heart attack, but speculation attributed his death to torture. An independent investigation was undertaken by local human rights organizations, but no findings had been released by year's end.

The government acknowledged that violent abuse of detainees usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite national laws that prevent judges from accepting confessions extracted under duress.

In its October report, the UNIIC investigation of the assassination of former prime minister Rafiq al-Hariri noted that some unidentified security personnel had abused witnesses in the aftermath of al-Hariri's assassination.

Abuses also occurred in areas outside the government's control, including in Palestinian refugee camps. During the year there were reports that members of the various groups that controlled specific camps detained their Palestinian rivals (see section I.d.). Rival groups, such as Fatah and Asbat al-Nur, regularly clashed over territorial control in the various camps, sometimes leading to exchanges of gunfire and the detention of rival members.

Prison and Detention Center Conditions.—Prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were very poor. There were no serious threats to health, but indirect threats were noted, such as physical and mental stress; the latter was especially noteworthy in Yarze prison, southeast of Beirut. The government did not consider prison reform a high priority. The number of inmates was estimated to be five thousand, of whom one third had yet to be tried or convicted. The government made a modest effort to rehabilitate some inmates through education and training programs.

Although there was some effort to keep pretrial detainees separate from convicted prisoners, overcrowding often prevented such separation. The government held security detainees and prisoners in regular prisons. The four senior security officials arrested in the al-Hariri investigation were initially held in substandard conditions in the facilities of the Internal Security Forces, but after complaints were filed by their families and inquiries made by diplomatic missions, these prisoners were transferred to regular facilities.

The police institution in charge of border posts and internal security, the Surete General (SG), operated a detention facility for detainees, mostly Egyptians and Sri Lankans, pending deportation. Their detention was supposed to be for one to two months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year and eventually deported.

Unlike in previous years, the government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest or Detention.—Although the law requires judicial warrants before arrests, except in immediate pursuit situations, the government arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—The security forces consist of the Lebanese Armed Forces (LAF) under the Ministry of Defense, which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior (MOI), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the prime minister and the SG under the MOI, both of which collect information on groups deemed a possible threat to state security.

In April Syria formally withdrew its approximately 15 thousand troops from the country. Syrian sympathizers and intelligence agents continued to exercise some influence in the country.

During the uncertain times preceding Syrian withdrawal, and in the months thereafter, the security services demonstrated respect for the rights of antigovernment and proindependence demonstrators in Beirut. These security forces nonetheless committed numerous serious human rights abuses, sometimes acting independently and other times on instruction of senior government officials. Since October 2004, there were 15 politically motivated violent incidents, including assassinations, assassination attempts and fatal bombings (see section 1.a.). These incidents were under investigation, although it was generally believed that either Syria or its allies in the country were responsible.

Arrest and Detention.—Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see Section 1.e.). The 2004 report by the Parliamentary Commission for Human Rights estimated that of the approximately five thousand persons being held in prison, one third had not been convicted of crime.

The law provides the right to a lawyer, to a medical examination, and referral to a prosecutor within 48 hours of arrest. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Bail is available in all cases regardless of the charges. Many provisions of the code were not observed in practice.

While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants.

Security forces continued the practice of arbitrary arrest and detention. On several occasions during the year, security forces detained and arrested citizens on grounds of national security.

There were credible reports that security force personnel detained individuals on the instruction of Syrian intelligence agencies, a situation that was essentially eliminated with the departure of the Syrian forces in April.

Protesters were also arbitrarily detained and arrested (see section 2.b.). Since the withdrawal of Syrian forces there appears to be no indication that the government detained, interrogated, or harassed journalists (see Section 2.a.).

Palestinian refugees were subject to arrest, detention, and harassment by state security forces and rival Palestinian factions. For example Palestinian refugees living in camps were not allowed for most of the year to bring in construction material to repair damaged houses. Security services used this circumstance as leverage to recruit informers and buy their allegiance.

Unlike in previous years, there were no allegations that the government transferred citizens to Syria. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention in Syria. According to credible reports, Syrian forces operating in the country carried out searches, arrests, and detentions of citizens outside any legal framework, until their departure from the country in late April.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, in practice the judiciary was subject to political pressure, particularly in the appointments of key prosecutors and investigating magistrates. With the support of the UNIIC, however, the judiciary began judicial proceedings against once-powerful security and intelligence chiefs who had cooperated with Syria's occupation. The law provides for a fair public trial and for an independent judiciary; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution. The judiciary still suffers from intimidation generated by a series of unresolved political assassinations committed by unidentified assailants beginning in October 2004. Despite this intimidation, the judiciary took steps toward independence, including the incarceration of previously powerful security and intelligence officers, continuing investigations into other acts of political violence, and close cooperation with the UNIIC.

The judicial system consists of a Constitutional Council to determine the constitutionality of newly adopted laws upon the request of 10 members of parliament; the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; and the Judicial Council, which tries national security cases. Additionally, there are tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see section 5). The religious Shari'a courts are often used by both the Shi'a and Sunni religious communities to determine family legal

matters. There are also religious courts in the various Christian sects, Druze, and Jewish communities, but these tribunals are restricted to family legal matters.

The aftermath of the February 14 assassination of Rafiq al-Hariri led to significant progress in eliminating political and security influence over the judiciary. Civil rights groups were encouraged by the September appointment of respected, qualified judges to the Higher Judicial Council, which has primary responsibility for disciplining judges and ensuring judicial independence.

The judicial council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the minister of justice, the cabinet decides whether to try a case before this tribunal. During the year the cabinet referred several high-profile cases to this tribunal, including the assassination of former prime minister Rafiq al-Hariri and the October 2004 attempt on the life of then Telecommunications Minister Marwan Hamadeh. Verdicts from this tribunal may not be appealed.

The Ministry of Justice appoints all other judges based on the sectarian affiliation of the prospective judge. A shortage of qualified judges impeded efforts to adjudicate cases backlogged during the years of internal conflict. Trial delays were aggravated by the government's inability to conduct investigations in areas outside of its control, specifically in the Hizballah-controlled areas in the south and in the 12 Palestinian-controlled refugee camps throughout the country.

Trial Procedures.—There is no trial by jury; trials were generally public, but judges had the discretion to order a closed court session. Defendants have the right to be present at trial and the right of timely consultation with an attorney. Defendants have the right to confront or question witnesses against them, but they must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed.

Defendants on trial for security cases, which were heard before the judicial council, have the same procedural rights as other defendants; however, there was no right to appeal in such cases. As in civil cases, trials for security cases were generally public; however, judges had the discretion to order a closed court session.

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals—the permanent tribunal and the cassation tribunal—the latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

Unlike in previous years, there were no reports that Hizballah subjected former Southern Lebanese Army (SLA) soldiers who returned to their villages to harassment.

In cases stemming from the civil war, the country's courts postponed action for years related to 77 military personnel and civilians who were associated with former Christian militia leader Samir Ja'ja and former Lebanese Armed Forces Commander Michel Aoun. In October the investigative judge dropped all charges against these individuals, including defamation charges against Nadim Lteif and Hikmat Deeb. With legal proceedings against him cancelled, Michel Aoun returned to the country in May after a 15-year exile in Paris. Samir Ja'ja was released from prison in July as part of a parliamentary amnesty bill.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice not under the control of the state. For example, local popular committees in the camps attempted to solve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally used their good offices to hand over the perpetrator to Lebanese authorities for trial.

Political Prisoners.—There were no reports of political prisoners. However, throughout the year, there were reports of political detainees (see section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, authorities frequently interfered with the privacy of persons regarded as enemies of the government. The law requires that prosecutors obtain warrants before entering homes, except when the security forces are in close pursuit of armed attackers; these rights were generally observed.

The Army Intelligence Service monitored the movements and activities of members of opposition groups (see section 2.b.). Despite a law regulating eavesdropping, security services continued to eavesdrop without prior authorization.

Militias and non-Lebanese forces operating outside the area of central government authority frequently violated citizens' privacy rights. Various factions also used in-

former networks and the monitoring of telephones to obtain information regarding their perceived adversaries.

Under the direction of the Siniora cabinet, the government began to take steps to roll back the violation of privacy rights. On September 15, the government passed the two required implementation decrees. The first decree calls for creating an independent judicial committee chaired by the chairman of the judicial council and assisted by two other judges as well as a judge from the audit court. This committee would receive complaints from parties who believe that their phones are tapped, and the committee has three days to resolve the issue. The committee would also give permission for security services to monitor the telephones of criminals. The committee members were appointed by the Siniora government on December 16 and were scheduled to commence their duties in 2006.

The second decree concerns the operations of security intelligence and calls for the creation of a centralized unit that would have supervision over tapping phones related to military personnel only. The committee would report to the minister of interior and the prime minister.

All tapes of recorded conversations would be destroyed after three months unless they were used in legal cases brought before the courts. The ministry would review the procedure regularly and eventually bring all phone tapping into this centralized unit. This unit was scheduled to commence operations in early 2006.

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 limited the exercise of these rights prior to the withdrawal of Syrian military forces in April. Syrian security services in the country intimidated journalists. Journalists were victims of violence during the year. The reduction of Syrian interference lessened the desire and ability of authorities to censor the press; however, journalists continued to exercise self-censorship, although to a far lesser degree than in previous years. The killings of prominent journalists and the failure to apprehend those responsible created a climate of intimidation.

The government retained and utilized several legal mechanisms at its disposal to control freedom of expression. The SG was authorized to censor foreign magazines and nonperiodical works, including plays, books, and films before they were distributed. The law prohibits attacks on the dignity of the head of state or foreign leaders. The government may prosecute offending journalists and publications in the Publications Court. The 1991 security agreement between the government and Syria, still in effect, contains a provision that prohibits the publication of any information deemed harmful to the security of either state. The withdrawal of Syrian troops and a decrease in Syrian influence encouraged Lebanese journalists to be open in their criticism of Syrian and Lebanese authorities alike.

Dozens of newspapers and hundreds of periodicals were published throughout the country that were financed by and reflected the views of various local, sectarian, and foreign interest groups.

In April the editor-in-chief of *Ad-Diyar* newspaper, Charles Ayoub, was charged with defaming President Lahoud. If convicted, Ayoub could serve up to 2 years' imprisonment or/and pay a fine up to approximately \$65 thousand (97.7 million pounds). Public interest groups pressured the government to drop the charges, and the repeated postponements indicated this option was being considered. The case was still pending in the investigative phase at year's end.

In June pro-Hariri *Al-Mustaqbal* newspaper reporter and Future TV anchor Zahi Wehbe was also charged with defaming the president after writing an article against him. The case was still pending in court at year's end.

Following the departure of Syrian troops, the government did not restrict radio and television broadcasts. In August parliament overwhelmingly passed a bill ending a nearly three-year ban against Murr Television (MTV). However, the Publication Appeals Court ruled on October 21 that MTV should cease its broadcasts because the station had harmed relations with Syria and the dignity of the head of state, as well as violated the electoral law. In November, the station won a decision on appeal and recommenced its broadcasting services.

There were 7 television stations and 33 radio stations. The government owned one television and one radio station; the remaining stations were owned privately. Inexpensive satellite television was widely available.

There were a growing number of attacks on journalists during the year by unidentified, antidemocratic forces (see section 1.a.). Samir Kassir, a columnist for the Arabic-language daily *An-Nahar* and a correspondent for the French television station TV5, was killed by a car bomb on June 2. May Chidiac, the star presenter of the Lebanese Broadcasting Corp (LBC), was critically injured in a bomb attack on her car on September 25 in northeastern Beirut. On December 12, a car bomb in a Bei-

rut suburb killed Gibran Tueni, the CEO of *An-Nahar* and a member of parliament. Despite an accelerating investigation by the judiciary, assisted by the UNIIC, those responsible were not identified by year's end.

Judicial cases launched in previous years against journalists were not pursued during the year. There were no developments in the 2003 defamation case against journalist Adonis Akra.

The government did not restrict Internet access, and it was used widely. Internet usage and access was reportedly restricted in Hizballah-controlled areas in south Lebanon and in the Palestinian-controlled refugee camps.

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 restricted this right. The prior approval of rallies by the MOI was required, and groups opposing government positions sometimes were denied permits.

The assassination of al-Hariri sparked a series of protests against Syria. Following the assassination in February, large demonstrations at al-Hariri's funeral and in subsequent weeks were held in Beirut calling for Syria's withdrawal from the country. On March 8, Hizballah and a coalition of pro-Syrian parties held a rally attended by a crowd estimated by most observers to be between approximately 500 thousand to 700 thousand. In response, on March 14, to coincide with the one-month anniversary of the assassination of al-Hariri, approximately 1.2 million protesters held the largest rally in the country's history to intensify pressure on Syria to immediately withdraw its troops from the country.

Unlike in previous years, military personnel did not use force to disperse protesters on March 14, and according to observers, defied orders and allowed the demonstrations to proceed peacefully.

In early April, army troops and riot police used batons against irate families and relatives of Lebanese prisoners held in Syria. Protesters were clubbed and, in some photographed examples, troops used rifle butts to subdue the demonstrators. While no one was arrested, the clash touched off popular criticism, prompting the speaker of parliament to call for leniency with the protesters.

Unlike in previous years, politicians opposed to Syria's occupation of the country were allowed to assemble freely in public.

Freedom of Association.—The law provides for freedom of association, and the government did not interfere with most organizations; however, it imposed limits on this right. The law requires every new organization to submit a notification of formation to the MOI, which issues a receipt. In addition to what is provided by law, the MOI imposed on organizations further restrictions and requirements that were not enforced consistently. The ministry in some cases sent notification of formation papers to the security forces, which then conducted inquiries regarding an organization's founding members. The ministry may use the results in deciding whether to approve the group. The ministry at times withheld the receipt, essentially transforming a notification procedure into an approval process.

In August the government changed the policy such that the formation of any association no longer required licensing. According to civil rights organizations, the time needed for registration had in some cases dropped to as little as 10 working days.

Organizations must invite MOI representatives to any general assembly where votes are held for by-law amendments or elections are held for positions on the board of directors. The ministry also required every association to obtain its approval for any change in by-laws; failure to do so could result in the dissolution of the association.

The cabinet must license all political parties. The government scrutinized requests to establish political movements or parties and to some extent monitored their activities. The Army Intelligence Service monitored the movements and activities of members of some opposition groups (see section 1.f.).

Under popular pressure, following the April withdrawal of Syrian military and security forces, the government ceased to monitor groups critical of Syrian policies, and the government stopped harassing members of such groups.

c. Freedom of Religion.—The law provides for freedom of religion and the government respected this right with some limitations. The law does not provide for freedom to have no religion. Discrimination based on religion is built into the system of government. The government subsidized all religions and appointed and paid the salaries of Muslim and Druze judges.

Although there is no state religion, politics were based on the principle of religious representation, which has been applied to nearly every aspect of public life.

A group seeking official recognition must submit its principles for government review to ensure that such principles did not contradict "popular values" and the con-

stitution. The group must ensure the number of its adherents is sufficient to maintain its continuity.

Alternatively, religious groups may apply for recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters. Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance (see section 1.e.). State recognition is not a legal requirement for religious worship or practice. For example, although Baha'is, Buddhists, Hindus, and some evangelical denominations were not recognized officially, they were allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country were not recognized under the law.

Protestant evangelical churches are required to register with the Evangelical Synod, which represents those churches to the government. Representatives of some churches complained that the Synod has refused to accept new members since 1975, thereby preventing their clergy from administering to adherents in accordance with their beliefs. The last group registered was the Coptic Church in 1997. The Pentecostal Church applied for recognition from the Evangelical Sect, but the leadership of the Evangelical Sect, in contravention of the law, refused to register new groups. The Pentecostal Church pursued recourse through the MOI; however, at year's end, it had not been registered.

The unwritten "National Pact" of 1943 stipulates that the president, the prime minister, and the speaker of parliament be a Maronite Christian, a Sunni Muslim, and a Shi'a Muslim, respectively. The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement, but also codified increased Muslim representation in parliament and reduced the power of the Maronite president. The LAF, through universal conscription and an emphasis on professionalism, significantly reduced the role of confessionalism (or religious sectarianism) in the armed forces. Christians and Muslims were represented equally in the parliament. Seats in the parliament, cabinet, and desirable posts in the civil service were distributed proportionally among the 18 recognized groups (see section 3).

The government required that religious affiliation be indicated on civil status registry and on national identity cards, but not on passports.

Many family and personal status laws discriminated against women. For example Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands. The law provides that only religious authorities may perform marriages; however, civil marriage ceremonies performed outside the country were recognized by the government.

There were no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment strongly discouraged such activity. Religious authorities appointed the clerical establishments to which they are affiliated.

Although the law stipulates that any one who "blasphemes God publicly" may face imprisonment for up to one year, no prosecutions were reported under this law during the year.

Societal Abuses and Discrimination.—Sectarian rhetoric was intense, and five bombs detonated in predominantly Christian neighborhoods in the run-up to parliamentary elections. Leaders of all religious denominations condemned the bombings.

The Arab-Israeli conflict and Israel's past occupation of the southern part of the country nurtured a strong antipathy toward Israelis, and Lebanese media often reflected that sentiment. Hizballah, through its media outlets, regularly directed strong rhetoric against Israel and its Jewish population and commonly characterized events in the region as part of a "Zionist conspiracy."

Writing a new curriculum for the public schools was one of the requirements included in the Taif Accord of 1989. The new curriculum, which began to be implemented in 2004, included antibias and tolerance education. There is no specific reference to or designation of crimes as hate crimes in legislation.

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 with some limitations. The law prohibits direct travel to Israel. Until their withdrawal from Lebanon on April 26, Syrian troops maintained checkpoints throughout much of the country. LAF troops also maintained similar checkpoints. All men between 18 and 21 years of age are required to obtain a travel authorization document from the government before leaving the country.

The law prohibits forced exile and it was not used. There were no legal restrictions on the right of citizens to return to the country. The government encouraged the return to their homes of over 600 thousand persons internally displaced during the civil war. Although some persons began to reclaim homes abandoned or damaged during the war, the vast majority had not attempted to reclaim and rebuild their property due to concerns about physical security and a hazardous social and economic situation in some areas.

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. Although the law does not provide for granting refugee status, the government has found mechanisms to provide assistance. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee status to a limited number of Sudanese. 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 government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 protocol to approximately three thousand persons during the year. In 2003 the SG signed an agreement with the UNHCR recognizing and granting protection to non-Palestinian refugees, providing temporary relief for those seeking determination of refugee status. Those wishing to claim refugee status do so within two months of arriving in the country. The SG issues residence permits, valid for three months, during which time UNHCR must make a refugee status determination. The SG extended residency permits for up to 12 months for those accorded refugee status by UNHCR. The government granted admission and temporary (six months) refuge to asylum seekers, but not permanent asylum.

Most refugees were Palestinians. The UN Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in the country registered with the UNRWA was approximately 402 thousand. This figure, which represented refugees who arrived in 1948 and their descendents, was presumed to include many thousands who resided outside of the country. Credible sources estimated that the actual number in the country was between 250 thousand and 300 thousand. According to SG records, the number of registered Palestinian refugees was approximately 427 thousand. Most Palestinian refugees were unable to obtain citizenship and were subject to governmental and societal discrimination, particularly in the area of employment; however, Palestinian women who married Lebanese men could obtain citizenship (see section 5). In 2003 the State Consultative Council invalidated the 1994 naturalization decree in which several thousand Palestinian nationals were naturalized. As a result, approximately four thousand cases, some of which are families including several siblings, may lose their Lebanese citizenship. The council referred the issue to the MOI to review the files and decide their legal status. The ministry continued to review the files, but it had not issued a decision by year's end.

The government issued travel documents to Palestinian refugees to enable them to travel and work abroad. The government did not issue visitors' visas to Jordanian nationals who were born in the country and were of Palestinian origin.

On several occasions, Hizballah operatives interfered with the freedom of movement of UN Interim Forces in Lebanon (UNIFIL) personnel. According to the UN secretary general's 2004 report, no action had been taken against the 15 Hizballah operatives who injured 3 UNIFIL observers in 2002, despite government assurances that the perpetrators would be arrested and brought to trial.

According to the UNHCR, there were 2,541 non-Palestinian refugees, primarily Iraqis, Somalis, and Sudanese, registered with the UN and residing in the country. However, this number did not include a substantial number of refugees from Iraq who entered the country illegally in search of jobs, education, and security. The UNHCR commissioned a study during the year to estimate the illegal non-Palestinian refugee population, and as a result of its findings, estimated approximately 12 thousand to 20 thousand non-Palestinian refugees in the country. Most lived on the fringes of the economy and were vulnerable to exploitation and immediate expulsion by authorities. The SG detained approximately 200 Iraqi refugees during the year for return to Iraq. The UNHCR was granted access to them.

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

The law provides citizens the right to change their government in periodic, free, and fair elections; however, lack of control over parts of the country, defects in the electoral process, and corruption in public office significantly restricted this right.

Elections and Political Participation.—On February 28, Prime Minister Omar Karami submitted his cabinet's resignation under significant public pressure, in-

cluding massive street demonstrations. In a constitutional consultative process supported by politicians across the political spectrum, Najib Mikati was selected as interim prime minister to replace Karami. The Mikati cabinet, composed of technocrats, adopted as its primary objective the overseeing of legislative elections within the constitutional timeframe. With the departure of the Syrian troops and closure of Syrian intelligence offices in April, the major constraints on the ability of Lebanese citizens to change their government were removed.

The law provides that elections for the parliament must be held every four years. In turn the parliament elects the president every six years. The president and the parliament nominate the prime minister, who, with the president, chooses the cabinet. According to the unwritten National Pact of 1943, the president must be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of parliament a Shi'a Muslim (see section 2.c.).

During May and June parliamentary elections were held for the first time in three decades without Syrian interference. International observers were invited to monitor these elections and reported fewer incidents of voter fraud and tampering with ballots than previous elections. According to the EU monitoring team, the elections were well managed and took place in a peaceful manner within the existing framework for elections. The process was, however, flawed, particularly because the elections were carried out according to the 2000 electoral law, which reflected Syrian government influence.

During September 2004, amid evidence of heavy Syrian manipulation and coercion, parliament voted for a constitutional amendment extending the term of President Lahoud for three years. Many citizens considered this amendment to violate the constitution.

There are four major political parties and numerous smaller ones. The parliamentary majority party is the Future Movement, led by Saad al-Hariri. It was predominantly a Sunni party, but there were many members who belonged to the Christian Maronite community. The Progressive Socialist Party, led by Walid Jumblatt, predominantly represented Druze interests and allied itself with the Future Movement. The Free Patriotic Movement, led by Michel Aoun, represented a significant portion of the Christian community, but the party's leadership decided to remain outside the cabinet, despite their sizable representation in the parliament. Two smaller Christian parties were the Lebanese Forces, led by Samir Ja'ja', and the Phalange party, led by former president Amin Gemeyal. The largest party representing the Shi'a community was Hizballah, led by Hassan Nasrallah. A smaller Shi'a party, the Amal, was led by Speaker of Parliament Nabih Berri. A number of smaller parties existed, or were in the process of forming, but the larger, sectarian-based parties still maintained the greatest influence in the country's political system.

There were significant cultural barriers to women's participation in politics. Prior to October, no woman had held a cabinet position; however, at year's end there was one woman in the cabinet. In the parliamentary elections, women's representation increased from three members to five members. Since the political system is based on confessionalism, all parliamentary seats are primarily allotted on a sectarian basis. The smallest recognized confessions are allotted at least one seat in parliament.

Palestinian refugees had no political rights (see section 5). An estimated 17 Palestinian factions operated in the country and were generally organized around prominent individuals. Most Palestinians lived in refugee camps controlled by one or more factions. Refugee leaders were not elected, but there were "popular committees" that met regularly with UNRWA and visitors.

Government Corruption and Transparency.—There was a widespread perception of corruption at all levels of government. By year's end parliament had begun to hold sessions on public accountability and transparency. The government had not adopted a comprehensive approach or undertaken broad efforts to end corruption.

There are no laws regarding public access to government documents, either allowing or denying access. In practice the government did not respond to requests.

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

A number of local and international human rights groups generally operated freely without overt government restriction, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, the National Association for the Rights of the Disabled, ICRC, and Amnesty International, investigating and publishing their findings. Government officials generally were cooperative, except when some of these groups sought to publicize the alleged detention in Syria of hundreds of Lebanese citizens. The bar association and other private organizations regularly held public events that included discussions of

human rights issues. Some human rights groups reported harassment and intimidation by the government or Hizballah.

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

The law provides for equality among all citizens; however, in practice, some aspects of the law and traditional beliefs discriminated against women. Although the law reserves a percentage of private sector and government jobs to persons with disabilities, there were few accommodations made for them. Discrimination based on race, language, or social status is illegal and was not widespread among citizens; however, foreign domestic servants often were mistreated. Foreign domestic servants sometimes suffered physical abuse, had pay withheld or unfairly reduced, or were forced to remain locked within their employer's home for the duration of their contracts.

Women.—The law does not specifically prohibit domestic violence, and domestic violence against women was a problem. There were no authoritative statistics on the extent of spousal abuse; however, most experts noted that it was a problem. Despite a law prohibiting battery with a maximum sentence of three years in prison for those convicted, some religious courts legally may require a battered wife to return to her home in spite of physical abuse. Women were sometimes compelled to remain in abusive marriages because of economic, social, and family pressures.

The government had no separate program to provide medical assistance to battered women; however, it provided legal assistance to victims who could not afford it regardless of their gender. In most cases police ignored complaints submitted by battered or abused women. A local NGO, the Lebanese Council to Resist Violence against Women, worked actively to reduce violence against women by offering counseling and legal aid and raising awareness about domestic violence.

Foreign domestic servants often were mistreated, abused, and in some cases, raped or placed in slavery-like conditions (see section 5, Trafficking). Asian and African female workers had no practical legal recourse available to them because of their low status, isolation from society, and because labor laws did not protect them (see section 6.e.). Because of such abuse, the government prohibited foreign women from working if they were from countries that did not have diplomatic representation in the country.

The law prohibits rape, and the minimum prison sentence for a person convicted of rape is five years in prison. The minimum sentence for a person convicted of raping a minor is seven years. The law was effectively enforced.

The legal system was discriminatory in its handling of "honor crimes." According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. For example while the Penal Code stipulates that murder is punishable by either a life sentence or the death penalty, if a defendant can prove it was an honor crime, the sentence is commuted to one to seven years' imprisonment. While several honor crimes were reported in the media, no person was convicted in a case legally considered an honor crime.

Although the law on prostitution requires that brothels be licensed and that sex workers be tested regularly for disease, government policy has been to stop issuing new licenses for brothels in an attempt to gradually eliminate legal prostitution in the country. In practice most prostitution was unlicensed and illegal. The SG reported issuing 4,405 visas in 2004 to eastern European women to work in adult clubs as "artistes." Although prostitution is illegal, virtually all of these women engaged in voluntary prostitution with the implicit consent of the government. The country was a destination for trafficked persons, primarily women (see section 5, Trafficking).

The law prohibits sexual harassment; however, it was a widespread problem, and the law was not effectively enforced. Social pressure against women pursuing careers was strong in some parts of society. Men sometimes exercised considerable control over female relatives, restricting their activities outside of the home or their contact with friends and relatives. Women may own property, but often ceded control of it to male relatives for cultural reasons and because of family pressure.

The law provides for equal pay for equal work for men and women, but in the private sector there was some discrimination regarding the provision of benefits.

Only men may confer citizenship on their spouses and children. Accordingly children born to citizen mothers and foreign fathers are not eligible for citizenship. Citizen widows may confer citizenship on their minor children.

Children.—The plight of children was a growing concern for the government. Education was free in public schools and compulsory until the completion of the elementary level at age 12. However, implementation decrees were not issued. Public

schools generally were inadequate, lacking proper facilities, equipment and trained staff. Although private schools are widespread in the country, the cost of private education was a significant problem for the middle and lower classes. The UN Children's Fund reported that in the 2000 school year, approximately 85 percent of children between the ages of 3 and 5, and approximately 98 percent of children between the ages of 7 to 11 were enrolled in school. In some families with limited incomes, boys received more education than girls.

During the year the Higher Council for Childhood (administered by the Ministry of Social Affairs), in cooperation with several NGOs, organized five regional workshops to discuss the right to education and the obstacles that hinder the application of the law on compulsory education and ways to overcome them.

Boys and girls had equal access to medical care. The government provided vaccination and other pediatric health services in dispensaries operated by the Ministry of Health and the Ministry of Social Affairs. Access to hospitals was provided to all free of gender discrimination.

Children of poor families often sought employment and took jobs that jeopardized their safety (see section 6.d.).

No statistics were available on prostitution, but 97 minors were reported victims of sexual crimes in 2002.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and although the government made significant progress stemming some forms of trafficking in persons, it remained a problem. The Penal Code stipulates that, “any person who deprives another of freedom either by abduction or any other means shall be sentenced to temporary hard labor.” The country was a destination for East European and Russian women, contracted as dancers in adult clubs. Most of these women engaged in voluntary illegal prostitution and were at risk as targets of abuse.

The country was also a destination for women from Africa and Asia, usually contracted as household workers. Women are required by law to have good faith work contracts and sponsors, but often found themselves in coercive work situations with little practical legal recourse.

If forced prostitution or forced rendering of sexual services occurred as a result of abduction, the Penal Code stipulates that the abductor be sentenced to at least one year in prison; however, this law was applied inconsistently. Many women became illegal workers because their employers did not renew their work and residency permits or because they ran away from their employers' house, therefore becoming subject to detention and deportation. Unscrupulous employers sometimes falsely accused the employee of theft to relinquish responsibility for the employee as well as the taxes and return airline ticket (see section 6.e.).

Restrictions of movement and withholding of passports were common practice. A small number of exploited foreign workers won cases against their employers. Non-judicial action resolved the majority of these cases. As a result of that process, workers frequently were repatriated without further judicial action. A few cases were referred to the judiciary for further action, although the government took minimal steps to prosecute traffickers.

Six Filipinas who were working as migrants died in 2004, three of whom were believed to be attempting to flee abusive work environments when they died. The deaths of Perla Dizon, Rechel Del Pen, and Luz Pacuan were ruled accidents. The government closed the case of Catherine Bautista, finding no evidence that her employer sexually abused her. In the case of Herra Olandres, 2 medical reports acknowledged signs of rape 24 hours prior to her death. At year's end the case was under police investigation, as was the case of Luella Montenegro.

In November 2004 Filipina worker Helen Ganzon was reportedly tortured at a police station to confess that she stole money from her employer. The court that looked into the theft case accepted a settlement between Ganzon and her employer, but failed to pursue the alleged actions of torture at the police station. Ganzon was repatriated to the Philippines at her own request.

During the year the SG took some administrative measures against 16 places of frequented prostitution and against 3 employment agencies because they hired workers under fictitious sponsors.

Since July 2004 the SG stopped issuing visas to migrant workers from Ethiopia because Ethiopian authorities could not guarantee that adequate safeguards against fraud in the recruitment of these women for work in Lebanon were being taken.

Unlike in previous years, there were no reports during the year of any attempt to smuggle persons into the country.

The country made some progress in protecting victims of trafficking. The government did not provide foreign workers with relief from deportation, shelter, or access to legal, medical, or psychological services. However, in January the SG signed a

Memorandum of Understanding (MOU) with two NGOs that set up a safe house for migrant worker victims of significant abuse and began referring trafficking victims to the safe house. The MOU allowed social workers to accompany victims during interviews by immigration authorities. It also granted out-of-visa status for workers who were victims of abuse and permission to stay up to two months to assist in the investigation of their cases and the prosecution of their abusers and implemented screening and referral procedures for trafficking cases. NGOs indicated that the government still did not have a zero-tolerance policy for physical abuse of domestic workers.

In January in the wake of the Asian tsunami, the SG granted amnesty and waived penalties for up to 1,700 South Asians who did not hold valid visas, thereby permitting them to return to their countries without administrative complications or penalties by Lebanese authorities.

Two types of booklets explaining regulations governing migrant workers, including descriptions of their rights and responsibilities, were available upon request, or distributed as needed.

Pamphlets published by the government in 2004, which defined trafficking and informed potential victims on how to contact embassies, the ISF, the Red Cross, and NGOs for assistance were no longer being distributed to migrant workers upon arrival at Beirut International Airport.

Persons with Disabilities.—Discrimination against persons with disabilities continued. For example, the Civil Service Board, which is in charge of recruiting government employees, refused to receive applications from disabled persons. The law mandates disabled access to buildings; however, the government failed to take steps to amend building codes to conform to this law. Approximately 100 thousand persons were disabled during the civil war. Families generally cared for their own family members with disabilities. Most efforts to assist persons with disabilities were made by approximately 100 private organizations. These organizations were relatively active, although poorly funded.

The law on persons with disabilities stipulates that at least 3 percent of all government and private sector positions should be filled by persons with disabilities, provided that such persons fulfill the qualifications for the position. However, there was no evidence that the law was enforced in practice.

In 2002 the Ministry of Finance informed all firms and companies that it would not settle obligations with them unless they proved that 3 percent of their workforce was composed of persons with disabilities. However, the ministry failed to enforce this decision.

Many persons with mental disabilities were cared for in private institutions, many of which were subsidized by the government.

National/Racial/Ethnic Minorities.—According to the UNRWA, an estimated 402 thousand Palestinian refugees were registered in the country (see section 2.d.); however, credible sources believed that approximately 250 thousand to 300 thousand Palestinians actually resided in the country. Most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting during the civil war, during the Israeli invasion of the country, and during on-going camp feuds. The government generally prohibited the construction of permanent structures in the camps on the grounds that such construction encouraged refugee settlement in the country. Refugees frequently feared that the government might reduce the size of the camps or eliminate them completely. Very few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. Some Palestinian refugees worked in the informal sector, particularly in agriculture and construction. Palestinian incomes continued to decline. The law prohibited Palestinian refugees from working in 72 professions. However, on June 7, the minister of labor issued a memorandum authorizing Palestinian nationals born in the country and duly registered with the MOI to work in 50 (out of 72) professions banned to foreigners. However, there were no indications that this memorandum was implemented consistently.

Palestinian refugees do not have the right to own property in the country. Palestinians no longer may purchase property and those who owned property prior to 2001 are prohibited from passing it on to their children. The parliament justified these restrictions on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. Other foreigners may own a limited-size plot of land, but only after obtaining the approval of five different district offices. The law applies to all foreigners, but it was applied in a manner disadvantageous to the 25 thousand Kurds in the country. The government did not provide health services or education to Palestinian refugees, who relied on UNRWA for these services.

Many Palestinian children reportedly were forced to leave school at an early age to help earn income. Other reasons for dropouts were marriage (especially for minor girls), frustration, and hopelessness. Poverty, drug addiction, prostitution, and crime reportedly prevailed in the camps, although reliable statistics were not available.

On October 13, according to the government, a new office in the Ministry of Foreign Affairs was established to address the Palestinian refugee issue in a more comprehensive and just manner. One of the principal objectives of this office was to approve and increase the number of humanitarian projects designed to assist the Palestinian refugee population, with an emphasis on health and education. This office will seek additional donor assistance and cooperation from the international community and NGOs.

There were reports that Syrian workers, usually employed in manual labor occupations, suffered discrimination following the withdrawal of Syrian forces in April. Many Syrian laborers also reportedly left Lebanon out of fear of harassment. There were no data collected on this situation; therefore the true extent of the problem was unknown.

Other Societal Abuses and Discrimination.—Discrimination against homosexuals existed during the year. The law prohibits unnatural sexual intercourse, which is punishable by up to one year in prison. The law was sometimes applied to homosexuals. Citizens' sexual preferences reflected societal norms, not legal rulings. There are no discriminatory laws against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, except government employees, may establish and join unions, and workers exercised this right in practice. The General Confederation of Labor (GCL) estimated that there were 900 thousand workers in the active labor force. Approximately 5 to 7 percent of workers were members of some 450 to 500 labor unions and associations, half of which were believed to be inactive. Most unions belonged to federations. At year's end 43 federations were voting members of the GCL. However, some unionists continued to claim that some of these federations were "virtual," that is, created by political interest groups to offset the votes of the 13 established labor confederations that actually represented workers. The GCL remained the only organization recognized by the government as an interlocutor that represented workers.

Antiunion discrimination was a common practice. In October 2004, two labor leaders were fired from the Lebanese Postal Service for union activities. The GCL interceded on numerous occasions to address the firing of unionists from companies but failed to reverse the decision.

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participated actively in trade unions.

b. The Right to Organize and Bargain Collectively.—The right of workers to organize and to bargain collectively exists in law and practice. Most worker groups engaged in some form of collective bargaining with their employers. Stronger federations obtained significant gains for their members and on occasion assisted non-union workers. No government mechanisms promoted voluntary labor-management negotiations, and workers had no protection against antiunion discrimination.

The law provides for the right to strike, but unlike in previous years, the GCL did not organize any demonstrations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or compulsory labor, including by children; however, articles within the law prohibit behavior that constitutes forced or compulsory labor. Nevertheless, children, foreign domestic workers, and other foreign workers sometimes were forced to remain in situations amounting to coerced or bonded labor (see sections 5 and 6.e.).

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor was a problem. The minimum age for child employment is 14 years. Under the law juveniles are defined as children between 14 and 18 years of age. The law prohibits the employment of juveniles before they undergo a medical exam to ensure their fitness for the job for which they are hired. The labor code prohibits employment of juveniles under the age of 18 for more than 6 hours per day, and requires 1 hour of rest if work is more than 4 hours. The law entitles them to 21 days of paid annual leave.

Juveniles are prohibited from working between the hours of 7 p.m. and 7 a.m. The law prohibits juveniles under the age of 17 from working in jobs that jeopardize their health, safety, or morals. It also prohibits the employment of juveniles under 16 in industrial jobs or jobs that are physically demanding or harmful to their health. The Ministry of Labor (MOL) was responsible for enforcing these require-

ments; however, it did not enforce the law effectively. In cooperation with the UN Office for Drug Control and Crime Prevention, the government inaugurated the Center for Juvenile Victims of Physical Abuse. As such, juveniles would no longer be interrogated at police stations but rather at the center, which was equipped according to international norms, in the presence of a social worker.

Children worked in predominantly trade-related jobs. The percentage of working children between the ages of 10 and 14 was estimated at 1.8 percent. The percentage of working children between the ages of 15 and 18 was 11.3 percent. There were no recent reliable statistics on the number of child workers.

In December 2004 the MOL completed a study on working street children, which provided a snapshot of the condition and nature of street children in the country. The report showed that the average street child was a boy (9 percent were girls), foreign (only 15 percent were citizens, the others were most often Palestinian and Syrian), 12 years of age, and poorly educated or illiterate. Street children were concentrated in large urban centers where approximately 47 percent of them were forced to work long hours on the streets by adults. The most common types of work were selling goods, including lottery tickets, shoe polishing, and washing car windshields. The children earned between \$2 and \$15 (3 thousand to 25 thousand pounds) per day. Only 19 percent of the children interviewed said they kept their income.

e. Acceptable Conditions of Work.—The government sets a legal minimum wage; during the year it was approximately \$200 (300 thousand pounds) per month, but it was not enforced effectively in the private sector. The minimum wage did not provide a decent standard of living for a worker and family. Trade unions attempted to ensure the payment of minimum wages in both the public sector and the large-scale private sector.

The law prescribes a standard 48-hour workweek, with a 24-hour rest period per week. In practice workers in the industrial sector worked an average of 35 hours per week, and workers in other sectors worked an average of 30 hours per week. The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The MOL was responsible for enforcing these regulations but did so unevenly. Labor organizers reported that workers did not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment.

Some private sector firms failed to provide employees with family and transport allowances as stipulated under the law and to register them at the National Social Security Fund. Some companies also did not respect occupational health and safety regulations stipulated by the law. Workers are permitted to complain about violations to the GCL, an umbrella organization for trade unions, the Labor Ministry and the National Social Security Fund. In most cases, however, they preferred to remain silent fearing arbitrary dismissal.

Foreign domestic workers, mostly of Asian and African origin, were mistreated, abused, raped, or placed in situations of coerced labor or slavery-like conditions (see section 5). Recruitment agencies and employers are required to have signed employment contracts with the foreign worker. According to NGOs assisting migrant workers, however, these agreements were often undermined by second contracts signed in the source countries that stipulated lower salaries. Employers and agencies used these changes to pay the migrant a lower salary. Anecdotal evidence suggested that some employers did not pay their workers on a regular basis, and some withheld the salary until the end of the contract, which was usually two years. Government regulations prohibit employment agencies from withholding foreign workers' passports for any reason. However, in practice it continued to be common for employment agencies and household employers to withhold maids' passports. These measures were used to control the outside activities of the workers, specifically, to keep them from running away.

The law does not protect foreign domestic workers. Domestic workers often worked 18 hours per day and, in many cases did not receive vacations or holidays. There was no minimum wage for domestic workers. Although official contracts stipulate a wage ranging from \$100 to \$300 (150 thousand to 450 thousand pounds) per month, depending on the nationality of the worker, the actual salary was much less. Victims of trafficking or abusive labor situations may file civil suits or seek legal action, but most victims, often counseled by their embassies or consulates, settled for an administrative solution, which usually included monetary compensation and repatriation. The government did not release information on legal actions filed, but NGOs indicated that fewer than 10 legal actions were undertaken during the year.

In 2004 the MOL, which regulates the activities of employment agencies, closed 11 agencies for violations of workers' rights, including physical abuse. Perpetrators of the abuses, however, were not further prosecuted for a number of reasons, includ-

ing the victims' refusal to press charges or a lack of evidence. The MOL, which also has jurisdiction in cases where the labor contract has been violated, reported adjudicating 35 such cases in 2004, deciding 23 in favor of the worker. An unknown number of other cases of nonpayment of wages were settled through negotiation. Nevertheless, there was evidence that the majority of such cases were not resolved, and the worker was repatriated without having received wages due. According to source country embassies and consulates, many workers did not report violations of their labor contracts until after returning to their countries.

LIBYA

The Great Socialist People's Libyan Arab Jamahiriya is an authoritarian regime with a population of approximately six million, ruled by Colonel Mu'ammār Al-Qadhafi since 1969. The country's governing principles are derived predominantly from Colonel Qadhafi's *Green Book* ideology. In theory the citizenry rules the country through a series of popular congresses, as laid out in the 1969 Constitutional Proclamation and the 1977 Declaration on the Establishment of the Authority of the People. However, in practice Qadhafi and his inner circle monopolized political power. The legislative branch is composed of the unicameral General People's Congress (GPC) with 760 members elected indirectly for a 3-year term. The most recent "renewal" of the GPC by internal elections was in March 2004. Revolutionary Committees are nominally extragovernmental organizations that regulate many aspects of citizens' lives; however, in practice the government controlled the committees. The civilian authorities maintained effective control of the security forces.

The government's performance remained poor, although it took some steps to improve its human rights record. The following human rights problems were reported:

- inability of citizens to change the government
- torture
- poor prison conditions
- impunity
- arbitrary arrest and incommunicado detention
- lengthy political detention
- denial of fair public trial
- infringement of privacy rights
- severe restriction of civil liberties—freedom of speech, press, assembly, and association
- restriction of freedom of religion
- corruption and lack of government transparency
- societal discrimination against women, ethnic minorities, and foreign workers
- trafficking in persons
- restriction of labor rights

Some improvement occurred during the year. On January 12, the government abolished the People's Court. On October 9, the Supreme Court ordered the retrial of 86 political prisoners who were convicted by the People's Court in 2002. Authorities established a committee to investigate the 1996 Abu Selim prison riot, in which a large number of prisoners died. On December 25, the Supreme Court accepted the appeal of the Bulgarian and Palestinian medics and returned their case, in which they were accused of deliberately infecting 426 children with HIV-tainted blood in 1999, to the criminal court for a retrial.

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, on May 12, unknown actors abducted and later killed Daif Al Ghazal, a prominent journalist and anticorruption activist. The government stated that it had detained suspects, and an investigation was ongoing 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, but security personnel routinely tortured prisoners during interrogations or as punishment. Government agents reportedly detained

and tortured foreign workers, particularly those from sub-Saharan Africa. Reports of torture were difficult to corroborate since many prisoners were held incommunicado.

The reported methods of torture included chaining prisoners to a wall for hours, clubbing, applying electric shock, applying corkscrews to the back, pouring lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocating with plastic bags, deprivation of food and water, hanging by the wrists, suspension from a pole inserted between the knees and elbows, cigarette burns, threats of dog attacks, and beatings on the soles of the feet.

According to Amnesty International (AI) and Human Rights Watch (HRW), the foreign medical personnel charged with deliberately infecting children in a hospital in Benghazi reported that they had been tortured through electric shock and beatings to extract their confessions. On June 7, a court found not guilty 10 security officials accused of inflicting the torture.

On March 24, representatives of Physicians for Human Rights (PHR) and the International Federation of Health and Human Rights Organizations visited political detainee Fathi Al-Jahmi and reported that his isolated confinement and sporadic and inadequate medical treatment constituted cruel, inhuman, and degrading treatment (see section 1.d.).

Prison and Detention Center Conditions.—According to foreign diplomats and international organizations, prison conditions ranged from poor to adequate. Pretrial detainees and convicts were held together in the same facilities. Reportedly more than half of the prisoners in the country were pretrial detainees. Prison officials frequently held pretrial detainees for long periods (see section 1.d.).

In February 2004 the government permitted AI to visit some prisons and speak with inmates that AI considered “prisoners of conscience.” During its visit AI raised concerns with the government about the health of 86 Muslim Brotherhood prisoners in Abu Salim prison who undertook a 7-day hunger strike to protest lengthy delays in their appeal process. On March 24, the government also allowed PHR representatives to examine a limited number of detention facilities. For 3 weeks in May HRW visited the country after a 15-year absence and received access to police stations, prisons, and approximately 24 prisoners.

Security forces reportedly subjected detainees to cruel, inhumane, or degrading conditions and denied adequate medical care, which led to several deaths in custody.

The authorities established a committee to investigate the 1996 Abu Salim prison riot, in which a large but unknown number of prisoners died. No committee reports were released by year’s end.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the government did not observe these prohibitions. There were reports that security forces arbitrarily arrested and detained citizens during the year.

Role of the Police and Security Apparatus.—The country maintains an extensive security apparatus that includes police and military units, multiple intelligence services, local revolutionary committees, people’s committees, and “purification” committees. The result is a multilayered, pervasive surveillance system that monitors and controls the activities of individuals. Security forces can impose sentences without trial, and the various security forces committed numerous, serious human rights abuses with impunity.

Arrest and Detention.—The law provides that detainees can be held after arrest for up to 48 hours at a police station. They must then be brought before a prosecutor, who can hold them for six days for investigation. Detainees must then be brought before a judicial authority at regular intervals of 30 days to renew their detention order.

By law, bail must be set for pretrial detainees, detainees must have access to counsel, and public defenders represent those who cannot afford a private attorney. Detainees reportedly did not receive information on their rights to legal representation during interrogation. According to authorities, detainees have access to family members.

The government held many political detainees incommunicado for unlimited periods in unofficial detention centers controlled by members of the revolutionary committees. The government reportedly held hundreds of political detainees, many associated with banned Islamic groups, in prisons throughout the country, but mainly in the Abu Salim prison. Some human rights organizations estimated there were approximately two thousand political detainees, many held for years without trial. Hundreds of other detainees may have been held for periods too brief (three to four months) to permit confirmation by outside observers.

On January 12, the government arrested journalist Abd Al-Razia Al-Mansuri and held him incommunicado for several months. According to HRW, Al-Mansuri had

written approximately 50 Internet articles critical of the government and society (see section 1.e.).

On July 19, according to the Libya Watch for Human Rights, Kamel Mas'ud Al-Kilani returned to the country after receiving assurance of his safety, but he was arrested and taken to an unknown destination. No further information was available at year's end.

Since March 2004 the government has held political activist Fathi Al-Jahmi incommunicado, asserting that his detention was for his own protection. In 2002 Al-Jahmi was imprisoned after calling for democratic reforms but was released in March 2004. The government re-detained him two weeks later after he called again for reforms in several international media interviews. HRW visited Al-Jahmi in May, and he stated that he faced three charges: trying to overthrow the government, slandering Qadhafi, and contacting foreign authorities. No charges or trial had occurred by year's end.

In December 2004 human rights activist Ashur Al-Warfalli was arrested and held incommunicado for an extended period after issuing a statement against the government's human rights policy. Al-Warfalli's statement called for the release of political detainees, amnesty for exiles and dissidents, and freedom of expression for all citizens. He was reportedly released during the year without being charged.

Women and girls suspected of violating moral codes reportedly were detained indefinitely in "social rehabilitation" homes (see section 5).

Amnesty.—On September 3, the government pardoned 1,675 national and foreign prisoners in celebration of the 36th anniversary of Qadhafi's rule. In addition the government released eight political prisoners who had been serving prison terms up to life for participation in a banned political group.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, it was not independent in practice. The law stipulates that every person has the right to resort to the courts; however, security forces had the authority to pass sentences without trial, particularly in cases involving political opposition. The government used summary judicial proceedings to suppress domestic dissent. Qadhafi can interfere in the administration of justice by altering court judgments or replacing judges. The judiciary failed to incorporate international standards for fair trials, detention, and imprisonment.

The judicial system is composed of four tiers. The summary courts hear cases involving misdemeanors of lesser value. The decisions of this court may be appealed to the courts of first instance. These courts are composed of chambers of three judges and have the authority to adjudicate in all civil, criminal, and commercial cases. In addition the jurors apply the Shari'a principles in cases involving personal status. Cases from the courts of first instance may be appealed to the three courts of appeal, which are composed of panels of three judges. The Shari'a court of appeals hears cases from the lower Shari'a court.

The final court of appeal is the Supreme Court, composed of five separate chambers, one each for civil and commercial, criminal, administrative, constitutional, and Shari'a. The Supreme Court sits in chambers of five judges and rules by majority decision. The GPC elects the presiding president and other members of the Supreme Court.

The Supreme Council for Judicial Authority is the administrative authority of the judiciary, handling appointments, transfers, and disciplinary matters.

The law provides for the presumption of innocence, informing defendants of the charges against them, and the right to legal counsel. Defense lawyers automatically are appointed, even if the defendant declines to have one. There is usually very little contact, if any, between the lawyer and client.

On January 12, the GPC abolished the People's Court, a special tribunal outside of the judicial system, which violated fair trial standards during the prosecution of political cases. However, the revolutionary committees can convene national security courts to try political offenses. Such trials often were held in secret or in the absence of the accused. The government must review all cases of prisoners found guilty by the People's Court in the past. Reviews were ongoing at year's end.

On October 19, journalist Abd Al-Raziq Al-Mansuri was sentenced to 18 months in prison for illegal possession of a handgun. He had criticized the government on a foreign web site (see section 2.a.).

In May 2004 a court sentenced to death 6 foreign health workers accused of deliberately infecting 426 children with HIV-tainted blood in 1999. The sentences reportedly were based on confessions that the accused made under torture (see section 1.c.). International observers had serious concerns about the lack of investigation into allegations of torture and delays in bringing the case to a conclusion. On De-

ember 25, the Supreme Court accepted the appeal of the medics and ordered a retrial by the criminal court.

Political Prisoners.—A large but unknown number of individuals were convicted and imprisoned for engaging in peaceful political activity over a number of years for belonging to an illegal political organization. The law bans any group activity based on a political ideology contrary to the principles of the 1969 revolution.

On October 9, the Supreme Court ordered a retrial of the 86 Muslim Brotherhood activists, who were originally sentenced in 2002 for membership in an illegal political organization; their sentences had been confirmed by the People's Court. A new trial had not begun by year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government did not respect these prohibitions. The security agencies often disregarded the legal requirement to obtain warrants before entering a private home. They routinely monitored telephone calls and reportedly monitored the Internet.

The security agencies and the revolutionary committees oversaw an extensive network of informants. Foreign observers estimated 10 to 20 percent of the population was engaged in surveillance for the government. The government threatened to seize and destroy property belonging to "enemies of the people" or those who "cooperate" with foreign powers. Exiles reported that family members of suspected government opponents were harassed and threatened with detention.

There was no collective punishment of families or communities that aided, abetted, or did not inform the government of criminals and oppositionists. The law provides for punishments including the denial of access to utilities (water, electricity, telephone), fuels, food supplies, official documents, participation in local assemblies, and the termination of new economic projects and state subsidies. Collective punishment was inflicted on the relatives of individuals, particularly oppositionists, who are convicted of having committed certain crimes. In such cases, the punishment sometimes included expulsion and demolition of the family home.

Likewise there were no reports of the application of the purge law that provides for the confiscation of private assets above a nominal amount, describing wealth in excess of such undetermined amounts as "the fruits of exploitation or corruption."

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech "within the limits of public interest and principles of the Revolution"; however, the government severely limited the freedoms of speech and press, particularly any criticism of Qadhafi or government policy. According to the nongovernmental organization (NGO) Reporters Without Borders, press freedom worsened since 2004. The government tolerated some difference of opinion in people's committee meetings and at the GPC.

In March 2004 the government re-detained political activist Fathi Al-Jahmi after he denounced the regime to foreign media (see section 1.d.).

On May 21, unidentified men abducted writer Daif Al-Ghazal, who wrote web site articles critical of the government. On June 2, authorities found his body and later arrested two men. No further information was available at year's end.

On January 12, Abd Al-Raziq Al-Mansuri was arrested after writing some 50 articles and commentaries critical of the society and government for a foreign web site. The government claimed it arrested and sentenced Al-Mansuri in October for illegal possession of a handgun.

During the year the government released without charge journalist Ashur Al-Warfalli, who was arrested in December 2004 for releasing a statement calling for human rights reforms.

The government prohibited all unofficial political activities. By law many forms of speech or expression may be interpreted as illegal. The government operated an extensive system of informants resulting in self-censorship throughout society (see section 1.f.).

The government owned and controlled the print and broadcast media. There were no privately owned radio or television stations. Local revolutionary committees published several small newspapers. The official news agency, JANA, was the designated conduit for official views. The government did not permit the publication of opinions contrary to its policy.

Very few foreign publications were available; the government routinely censored them and at times prohibited their distribution. The publications law governs the operation of the press, reserving all publishing rights to two public entities: the Ad-dar Al-Jamahiriya, and the General Corporation of Press, Professional Unions, and Syndicates.

Satellite television was widely available, although foreign programming was censored at times. Internet access was limited to a single service provider; however, the number of Internet users increased during the year. The government occasionally blocked some Internet sites.

The government severely restricted academic freedom. Professors and teachers who discussed politically sensitive topics faced the risk of government reprisal.

b. Freedom of Peaceful Assembly and Association.—The Law on Public Assemblies and Demonstration stipulates that “individuals may meet peacefully, and no police personnel are entitled to attend their meetings, moreover, they are not obliged to notify the police of such gatherings.” The law also provides for the right to hold public meetings in accordance with the regulations set by the law. However, the government severely restricted these rights in practice. Public assembly was permitted only with the government’s approval and in support of the government’s positions.

The government restricted the right of association to institutions affiliated with the government. The formation of groups based on a political ideology was banned (see section 3). Political activity deemed treasonous by the government was punishable by death. An offense may include any activity that is “opposed to the principles of the Revolution.”

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally tolerated the discreet practice of other religions but imposed some restrictions. Islam is the state religion, but militant forms of Islam are viewed as a threat to the regime. Since the wearing of a beard was associated with fundamentalist Islam, some Muslims reportedly shaved their beards to avoid security forces harassment. The government also controlled mosques and Islamic institutions and heavily censored clerics.

The World Islamic Call Society (WICS) was the outlet for the state-approved form of Islam. The government prohibited Islamic groups whose views were contrary to the authorized teachings. The WICS was responsible for relations with other religions in the country, including Christian churches.

Christian churches operated openly and were accepted by the authorities; however, the government imposed a limit of one church per denomination per city and prohibited proselytization of Muslims. There were no official places of worship for the practitioners of minority religions such as Hinduism, Buddhism, and the Baha’i Faith.

A noncitizen female who marries a Muslim citizen is not required to convert to Islam; however, a noncitizen male must convert to marry a Muslim woman. The government supports the position that all citizens are Muslim; marriages to non-Muslims were unacceptable.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups. There was no reported Jewish community.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, Repatriation, and Exile.—The Freedom Reinforcement Law stipulates that “each citizen, during the time of peace, may move freely, choose the place where he or she wishes to live, and may return to the country and leave whenever he or she chooses.” The law on travel documents guarantees these rights, and the government generally did not restrict the freedom of movement within the country. Authorities routinely seized the passports of foreigners married to citizens upon their entry into the country.

The law does not provide for or prohibit forced exile, but the government did not impose forced exile as punishment. The government continued to encourage the return of citizen dissidents abroad, promising to ensure their safety. Students studying abroad reportedly have been interrogated upon their return.

The law prohibits the extradition of political refugees; however, it does not provide for the granting of asylum or refugee status in accordance with the UN Convention relating to the Status of Refugees and its 1967 protocol. There was no established system to provide protection to refugees, and there was no national legislation to determine refugee and asylum status. In practice the government did not provide protection against *refoulement*, the return of persons to a country where they feared persecution. According to the UN High Commissioner for Refugees (UNHCR), the government considers refugees and asylum seekers as “foreigners residing in the country without any specific distinction.”

The country is not a party to the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol; however, it is a party to the former Organization of African Unity’s Convention Governing the Specific Aspects of Refugee Problems

in Africa. The government does not recognize the UNHCR representative for the country and has not signed a formal cooperation agreement with the UNHCR. During the year approximately 12 thousand refugees were registered with the UNHCR, although UNHCR estimated the total number of refugees in country was near 30 thousand. The majority of refugees were Palestinians, followed by smaller numbers of Somalis and Sudanese.

The government stipulates that any foreigner who enters the country illegally shall be deported. The government maintained detention camps to hold noncitizens waiting deportation and did not inform diplomatic representatives when their nationals were detained. There were reports of authorities leaving noncitizens in the desert without any aid.

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

The law makes no provisions for elections, and citizens do not have the right to change their government. The country's governing principles stem from Qadhafi's *Green Book*, which combines Islamic ideals with elements of socialism and pan-Arabism. The *Green Book* states that direct popular rule is the basis of the political system and that citizens play a role in popular congresses; however, Qadhafi, his close associates, and committees acting in his name controlled major government decisions.

During the year the semiofficial Qaddafi International Foundation for Charity Associations launched an initiative calling for political reform, including more press freedom, the release of political prisoners, and compensation for those who had been unfairly harmed by state actions.

The government prohibits the creation of and subsequent membership in political parties. The 1977 Declaration on the Establishment of the Authority of the People dictates how citizens exercise their political rights. The government is structured in a pyramid of committees and congresses, each layer of which is involved in the selection of the next highest level. Citizens participate through numerous organizations, which include vocational, production, professional, and crafts congresses. Voting for the leaders of the local congresses is mandatory for all citizens over the age of 18.

The elected secretaries of these various congresses and committees select the members of the highest legislative organization, the GPC, which is composed of 760 members serving 3-year terms.

Revolutionary Committees, composed primarily of youths, continued to guard against political dissent and ensured that citizens followed sanctioned ideology within society. These committees approved all candidates in elections for the GPC.

Elections occur every three years, when the people's congresses, the local bodies comprised of all citizens, choose their leadership committees. The last renewal of people's congresses took place in March 2004. The election process continues through the hierarchy of people's congresses, until the GPC chooses the general people's committee, which manages the daily affairs of the government.

There was 1 woman in the 760-seat GPC, and no women in the cabinet. There was no reliable information on the representation of minorities in the government.

Government Corruption and Transparency.—Government corruption was perceived to be a severe problem and favoritism, based on tribal origin, adversely affected government efficiency.

The law does not provide for public access to government information, and the government did not provide access in practice to citizens or foreign media.

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

Numerous charitable associations approved by the government operated in the country; however, the government prohibited the establishment of independent human rights organizations. Individuals wishing to carry out human rights work were forced to operate abroad due to restrictive laws that imposed imprisonment for forming or joining international organizations without government authorization (see section 2.b.). By law associations engaging in political activity are illegal. The government body known as the Libyan Arab Human Rights Committee did not release any public reports. The Libyan Society for Human Rights, operating under the sponsorship of the semiofficial Qadhafi International Foundation for Charity Associations, followed government policy priorities.

The government permitted a three-week visit by a HRW delegation in May and a PHR delegation in March. In February 2004 AI visited the country after a 15-year absence.

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

The law prohibits discrimination based on race, sex, religion, disability, or social status; however, the government did not enforce these prohibitions effectively, particularly with regard to women and tribal minorities.

Women.—The law prohibits domestic violence, but there was no reliable information on the penalties for punishment. There was little detailed information regarding the extent of violence against women; however, it reportedly remained a problem. Abuse within the family rarely was discussed publicly.

The law prohibits rape. The convicted rapist of a girl must marry the girl, with her agreement, or serve a prison term of up to 25 years.

The law does not prohibit female genital mutilation (FGM), which is foreign to the culture and society. There were reports that FGM may have been performed on girls in remote areas of the country due to a large expatriate community of women from countries where FGM was practiced.

The law prohibits prostitution; however, the authorities tolerated it.

The 1969 Constitutional Proclamation granted women total equality; however, traditional attitudes and practices continued to discriminate against women. Shari'a governs inheritance, divorce, and the right to own property.

Women and girls suspected of violating moral codes reportedly were detained indefinitely in "social rehabilitation" homes. Many detained in these facilities had been raped and ostracized by their families. A woman or girl may be released if a male relative takes custody of her or if she consents to marriage.

The Department of Women's Affairs, under the GPC secretariat, collects data and oversees the integration of women into all spheres of public life. The General Union of Women's Associations, established by the government as a network of nongovernmental organizations, addresses women's employment needs. Traditional restrictions discouraged women from playing an active role in the workplace and inhibited employment gains by women.

On September 19–20 the People's Committee for Manpower held a conference on women's empowerment that focused on employment opportunities in travel, fashion, and human resources.

In general the emancipation of women was a generational phenomenon. Educational differences between men and women have narrowed; however, a significant proportion of rural women did not attend school and were inclined to instill in their children such traditional beliefs as women's subservient role in society.

Children.—The government subsidized primary, secondary, and university education, and primary education was compulsory until age 15. According to a 2003 United Nations Development Plan report, 96 percent of school-age children attended primary school, and most reached at least a 6th-grade level. Only 53 percent of girls and 71 percent of boys attended secondary school. The government subsidized medical care, and improved the welfare of children; however, general economic mismanagement led to a low standard in medical services.

Trafficking in Persons.—The penal code prohibits prostitution and related offenses, including sexual trafficking. The law prescribes punishments for trafficking in persons.

Women were trafficked through the country from Africa to Central Europe. It was also considered a destination country for victims from Africa and Asia trafficked for sexual and labor exploitation. Moroccan women reportedly were trafficked to the capital to work as prostitutes. The government engaged in joint collaborations with other affected countries to combat human trafficking.

Persons with Disabilities.—The law safeguards the rights of persons with disabilities and provides for monetary and other types of social care; however, the government had limited effectiveness implementing provisions. There are a number of government-approved societies that care for persons with disabilities.

National/Racial/Ethnic Minorities.—Arabic-speaking Muslims of mixed Arab-Amazigh ancestry constituted 97 percent of the population. The principal minorities were Amazighs and sub-Saharan Africans.

There were frequent allegations of discrimination based on tribal status, particularly against Amazighs in the interior and Tuaregs in the south.

The law as well as the Names Correction Committee discriminate against the use of non-Arabic languages and do not recognize the right of individuals to use their tribal names. The ban on the registration of non-Arabic names prevented the Amazighs from naming children in their own language.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions without previous authorization or excessive requirements, and the government re-

spected this right in practice. Members of each profession may form their own unions and syndicates to defend their professional rights. Workers may join the National Trade Unions' Federation, which is administered by the people's committee system; however, the government prohibited foreign workers from joining this organization. The federation played an active role in the International Confederation of Arab Trade Unions, the Organization of African Trade Union Unity, and the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The government must approve all collective agreements made between unions and employers to ensure that they were in line with the nation's economic rights. The law does not provide workers with the right to strike, and there were no reports of strikes during the year. There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits any form of forced or compulsory labor, including by children; there were no reports of forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides that children under the age of 18 may not be employed in any form of work, unless it is done as a form of apprenticeship. There was no information available on the prevalence of child labor.

There was no information regarding whether the law limits working hours or sets occupational health and safety restrictions for children. The Ministry of Manpower is responsible for preventing child labor.

e. Acceptable Conditions of Work.—The labor law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours. The legal maximum workweek was 48 hours.

Wages are forbidden by the *Green Book* and paid in the form of "entitlements," which frequently were in arrears. A public sector wage freeze imposed more than a decade ago continued, particularly in the face of consistently high inflation. The highest salary under the wage freeze was \$227 (300 dinars) per month; many families lived on significantly lower income. Although there was no information available regarding whether the average wage was sufficient to provide a worker and family with a decent standard of living, the government heavily subsidized rent, utilities, and food staples.

Labor inspectors were assigned to inspect places of work for compliance, and the law grants workers the right to court hearings regarding health and safety standards. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information regarding whether workers may remove themselves from an unhealthy or unsafe work situation without risking employment.

Foreign workers constituted 1.6 million of the 3.2 million workforce; however, the labor law does not accord them equality of treatment. Foreign workers were permitted to reside in the country only for the duration of their work contracts, and they could not send more than half of their earnings to home countries. They were subjected to arbitrary pressures, such as changes in work rules and contracts, and had little option other than to accept such changes or depart the country. Many foreign workers were deported arbitrarily for not having newly required work permits for unskilled jobs they already held.

MOROCCO

Morocco is a constitutional monarchy with an elected parliament and a population of approximately 30 million. Ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers, appoints or approves members of the government, and may, at his discretion, terminate the tenure of any minister, dissolve the parliament, call for new elections, and rule by decree. In the bicameral legislature, the lower house may dissolve the government through a vote of no confidence. The 2002 parliamentary elections for the lower house were widely regarded as free, fair, and transparent. The 2003 elections for local government councils were recognized as well-administered. In the latter elections, the government limited the participation of the Islamist Party of Justice and Development (PJD), one of the 27 political parties in the country. The civilian authorities generally maintained effective control of the security forces.

There was progress in the implementation of the *Moudawana* (Family Status Code); the work of the Equity and Reconciliation Commission (IER); and the suppression of sex tourism during the year; nevertheless, the human rights record re-

mained poor in many areas. Human rights organizations and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the western Sahara, accused the government of excessive force in Laayoune and Dakhla (Western Sahara) against demonstrators in May and in the fall and criticized the subsequent trials and harsh sentences given demonstrators. Human rights activists in the Western Sahara reported to Amnesty International (AI) and Human Rights Watch (HRW) that they were tortured. Monthly demonstrations by unemployed university graduates in front of the parliament were disrupted by consistently excessive security force intervention. The following human rights problems were reported:

- inability of citizens to change fully their government
- excessive police force resulting in deaths of demonstrators and migrants
- unresolved cases of disappearance
- allegations of torture
- poor prison conditions
- arbitrary arrest and incommunicado detention
- police and security force impunity
- lack of judicial independence
- occasional warrantless searches
- restrictions on freedoms of speech and press
- some restrictions on religious freedom
- corruption and lack of transparency
- societal discrimination affecting women
- 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, on October 30, Hamdi Lembarki died in Laayoune, Western Sahara, during a demonstration in support of Western Sahara independence.

Accounts differ concerning Lembarki's death. According to media reports, eyewitnesses claimed that police beat Lembarki to death. The government initially claimed Lembarki died from injuries sustained when he was hit by a stone thrown by another demonstrator. The government investigated Lembarki's death and arrested two police who were awaiting trial at year's end.

On October 6, border guards shot and killed four African migrants trying to enter illegally the Spanish enclave of Melilla. According to a government report, two other migrants later died from multiple wounds.

There were no further developments regarding the killing of Abdelhaq Bentasser, Mohamed Bouannit, and Driss Dida. The guards involved in these cases were investigated, tried and convicted during 2003 and 2004; they remained in prison.

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

There were no developments in the disappearance of Hassan Essidig, reported by the Moroccan Association for Human Rights (AMDH) to have been arrested in April 2004 upon arrival at Mohamed V Airport. There were no developments in the case of Mohamed Damir, who disappeared after the May 2003 terrorist attacks.

The AMDH continued to claim that the practice of incommunicado detention confirmed the persistent practice of forced disappearance (see section 1.d.). According to a June 2004 report by Amnesty International (AI), the Directorate General for Territorial Surveillance (DGST) practice was to deny holding the person in question, particularly those in the Temara detention center. In such cases family members and lawyers usually learned of the detention after the detainee was brought before a magistrate, charged, and placed in pretrial detention; in this context the secret detention amounted to a period of disappearance.

Forced long-term disappearances of individuals opposing the government and its policies occurred over a period spanning several decades. Associations that sought information regarding those who disappeared called upon the government for full disclosure of events surrounding cases dating back to the 1960s. In 1997 the government pledged that such activities would not recur and that it would disclose as much information as possible about past cases; authorities stated that they released

information on all 112 confirmed disappearance cases. Human rights groups and families continued to claim cases of disappearances, many from the Western Sahara.

In January 2004 the IER began work to settle serious violations of human rights, including compensation for all outstanding cases of arbitrary detention and disappearance from independence in 1956 to the king's 1999 ascension to the throne. Public hearings on torture and disappearances began in December 2004 and ended April 25. The IER received 22 thousand applications and interviewed petitioners at the rate of 5 per day as part of a process to catalogue the full range of abuses and determine compensation. The IER organized several activities, including visits to former secret detention centers and villages, but not to the Western Sahara, where a number of inhabitants were persecuted, and seminars for the public, academics, and journalists on literature written by former prisoners on the subject of state violence (see section 4).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the government denied the use of torture; however, according to local and international human rights organizations and lawyers, prisoners, and detainees, members of the security forces tortured or otherwise abused detainees. The penal code stipulates sentences up to life imprisonment for public servants who use or allow the use of violence against others in the exercise of their official duties. By law pretrial investigating judges must refer a detainee to an expert in forensic medicine if asked to do so or if judges notice suspicious physical marks on a detainee. Unlike in the past year, judges enforced this requirement according to the Ministry of Justice.

Attorneys for some persons who were convicted under the 2003 antiterrorism law claimed that their clients' convictions were based on signed confessions coerced under torture. There was no indication that the government took any action in response to claims of torture made in August 2003 at the Court of Appeal in Fez by 29 persons accused of terrorism, and judicial authorities reportedly refused to order any medical examinations.

In June 2004 AI published a report that accused security authorities of systematic torture and ill treatment of suspects held at the Temara detention center. AI noted a sharp rise over the past two years in such cases in the context of "counter terrorism" measures as well as the failure of government authorities to investigate these reports. The government pledged to investigate each of the alleged cases in the AI report. The government did not provide an update on these cases.

During 2003 and 2004 AI and other human rights organizations reported torture and ill treatment during initial interrogations of prisoners, including beatings, electric shocks, and sexual abuse. Former detainees reported that authorities held them in secret detention and denied contact with lawyers or family. The AI report also documented accusations of arbitrary detention and forced confessions of detained terrorism suspects.

Authorities had not yet published a result of an investigation ordered in March 2004 by then Minister of Human Rights Mohamed Oujjar into whether those detained in connection with the May 2003 Casablanca explosions had been subjected to torture and human rights violations.

Prison and Detention Center Conditions.—Prison conditions remained extremely poor and generally did not meet international standards, despite some improvements in medical care and efforts by the Ministry of Justice, Directorate of Prisons to expand capacity. Extreme overcrowding, malnutrition, and lack of hygiene continued to aggravate the poor health conditions inside prisons. Pretrial detainees were not held separately from convicts.

On May 3, Khalid Boukri, 28, died in prison near Benslimane. An autopsy indicated that he died of tuberculous pneumonia rather than from any wounds on the body. At the time of his death, he was participating in a hunger strike begun May 2 by 600 Islamist prisoners arrested following the May 2003 attacks. On April 10, Abdelmoumen Massoudi, imprisoned for assault and battery and who reportedly suffered from psychological problems, died of heart failure and dehydration, according to officials. Massoudi was on a hunger strike allegedly because he wanted to be isolated from other prisoners. In April 2004 Zakaria Douibi died in custody in Kenitra prison. Authorities said that he committed suicide by hanging himself with a blanket tied to an iron bar in his cell.

The Moroccan Prison Observatory (OMP), an NGO independent of the government that advocates prisoner rights, highlighted the lack of training and education of prison guards; the fact that prisoners frequently needed to pay for services; violence in the prisons as well as drug abuse, malnutrition, and mistreatment; and the incarceration of first-time offenders with hardened criminals. The government permitted some OMP members to visit prisons, particularly in Casablanca.

OMP, citing figures released in June 2004 by the International Centre for Prison Studies, reported that the population in the country's 46 prisons, designed to hold 39,000 prisoners, was 54,542.

In July 2004 the Commission of the Royal Advisory Council on Human Rights (CCDH) issued its first annual report, which mainly addressed prison overpopulation and poor prison conditions. In a speech following the release of the report, Minister of Justice Mohamed Bouzoubaa said that prison overcrowding was a major concern and that many detentions were unnecessary. Although Bouzoubaa said that his ministry was considering alternatives to prison sentences, no proposals had been announced by year's end.

d. Arbitrary Arrest or Detention.—The law does not prohibit arbitrary arrest or detention, and police used both practices. Police did not always observe due process; for example, they sometimes did not identify themselves at the time of arrest of suspects, nor always obtain warrants. The police occasionally held detainees without being charged or, if charged, they were sometimes denied a public preliminary judicial hearing within a reasonable period.

Role of the Police and Security Apparatus.—The security apparatus includes several police and paramilitary organizations with overlapping authorities. The National Police (DGSN), the DGST, the Mobile Intervention Corps, and the Auxiliary Forces are independent entities. The Royal Gendarmerie reports to the Ministry of Defense and was responsible for law enforcement in rural regions, including national highways. The Department of Royal Security reports to the palace.

The National Police managed the border and immigration services. The main federal investigative body, the National Brigade, investigated violations of the federal penal code, such as terrorism, organized crime, and white-collar crime. The DGST and the Auxiliary Forces had security functions.

The government continued to express concern about police corruption. Police impunity remained a problem; however, police training was ongoing, as well as investigations of police abuse.

Arrest and Detention.—Police may make an arrest following a general prosecutor's issuance of an oral or written warrant, although in practice were sometimes issued after the fact. Detainees had no access to family members of lawyers during the first 48 hours of detention, and that period can be extended to 96 hours.

Under the antiterrorism law, those arrested may be held for 96 hours, with 2 additional 96-hour extensions allowed at the prosecutor's discretion. Authorities denied defendants access to counsel or family members during this initial period, which was when police interrogated detainees and abuse or torture was most likely to occur (see section 1.c.).

The law provides for a limited system of bail; however, it rarely was granted. The law does not require a written authorization for a person to be released from detention. In some instances judges released defendants on their own recognizance. The antiterrorism law, passed in 2003, does not include a system of bail. Under a separate military code, military authorities may detain members of the military without warrants or public trial.

According to law all defendants have the right to be represented by attorneys and, if a defendant cannot afford private counsel, a court-appointed attorney must be provided. This provision was respected in practice. The police were required to notify a person's next of kin of an arrest as soon as possible after the initial 48-hour incommunicado detention, but this provision was not always respected in practice. Because of delays in contacting family, lawyers were not always informed promptly of the date of arrest and were not able to monitor compliance with the administrative detention limits.

Several attorneys representing defendants who were arrested under the antiterrorism law charged that authorities falsified arrest records to cover up periods of detention exceeding the legal requirement. Many defendants attempted to recant confessions in court, saying that they had not read them. Most defendants did not have access to counsel until shortly before trial, and the detainees usually did not know the contents of the alleged confessions until they were introduced as evidence in court. Judges uniformly dismissed motions to recant confessions and often did not allow evidence and witnesses for the defense.

Some members of the security forces, long accustomed to indefinite access to detainees before charging them, continued to extend detention limits. In 2003 AI reported that some of those arrested had been held incommunicado for as long as 5½ months. A large increase in detainees and prisoners led to increased allegations of incommunicado detentions that were difficult to confirm.

There were no reports of political detainees. The government maintained that it detained individuals for criminal activity only; however, international and local

NGOs stated that police detained individuals, especially in the Western Sahara, for apparently short-term political motives and released them later without charge.

During the year royal pardons and other judicial processes decreased to about one thousand the number of individuals held because of suspected links to terrorist groups or for suspected involvement in the 2003 Casablanca suicide attacks. Human rights activists and attorneys estimated as many as four thousand persons had been detained originally. The government did not provide a confirmed figure of the number of detainees held originally.

In March 2004 the AMDH reported that several Islamist prisoners, adherents of the Salafia Jihadia, a regional movement espousing violence to achieve Islamist goals, were isolated in the Kenitra jail, deprived of medical care and decent food, and not allowed private visits. On March 8, relatives protesting outside of the jail were forcibly dispersed and removed by police (see section 2.b.). The CCDH investigated the report and stated that none of AMDH's allegations was true. The prisoners were imprisoned for being part of the 2003 terrorist attacks, or members of extremist movements.

On April 7, authorities released Mohamed Bouhcini, a guide and translator, from jail. No formal charges had been brought against him since he was jailed in December 2004 after being accused by a convicted drug trafficker of delivering hashish to him during Bouhcini's trip with journalists to the Rif Mountains.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; nevertheless, the courts were subject to extrajudicial pressures, including government influence. Efforts continued to increase efficiency and to end corruption, but, according to most observers, corruption was viewed as a routine cost of doing business in court.

In June the Supreme Council of the Judiciary initiated disciplinary proceedings against seven judges for possible corruption. One of the judges was dismissed; three were temporarily dismissed; two retired early; and one was found not guilty. Disciplinary proceedings are conducted yearly by the Ministry of Justice.

There are four levels in the common law court system: communal and district courts; courts of first instance; the appeals court; and the Supreme Court. All decisions made in criminal and civil matters in which the penalty exceeds approximately \$33 (330 dirhams) may be appealed to the courts of first instance (regional courts). The regional courts are subdivided into civil, commercial, administrative, and penal and rabbinical sections. Cases may be appealed from the regional courts to the appeals court.

The Supreme Court is subdivided into five chambers: constitutional; penal; administrative; social; and civil. The constitutional chamber is composed of the First President of the Supreme Court, three judges appointed by the king, and three judges appointed by the president of the Chamber of Representatives.

In theory there is a single court system under the Ministry of Justice; however, other courts also operated including administrative courts, commercial courts, and military tribunals that exist only for military personnel. The central audit court, which is the supreme audit institution, and nine regional audit courts had judicial powers as well. In January 2004 the Council of Ministers eliminated the Special Court of Justice, as the council perceived the court as lenient and discriminatory in its review of officials accused of bribery and other abuses of power. In place of the Special Court of Justice, appeals courts heard cases against government officials accused of abuse of power.

At the government's discretion, serious state security cases such as those relating to the monarchy, Islam, or territorial integrity (in practice advocating independence for the Western Sahara) may be brought before a specially constituted tribunal, responsible to the Ministry of Interior. There were no such cases during the year.

Trial Procedures.—The law provides for the right to a fair public trial; however, according to human rights NGOs, this did not always occur in practice.

Although accused persons generally are brought to trial within an initial period of two months, prosecutors may request up to five additional two-month extensions of pretrial detention. Thus, an accused person may be kept in detention for up to one year prior to trial.

According to law all defendants have the right to be represented by attorneys and, if a defendant cannot afford private counsel, a court-appointed attorney is provided. The Ministry of Justice is required to provide an attorney at public expense for serious crimes (when the offense carries a maximum sentence of more than five years). However, attorneys were not always appointed, or if provided, they were poorly paid, resulting often in inadequate representation. In addition judges sometimes denied defense requests to question witnesses. Defendants are given the right to be

present and to timely consultation with an attorney. Trials are public and juries are used. Throughout the year, progress was made regarding adherence to the law.

In general authorities arraigned detainees before a court of first instance. If the judge determined that a confession was obtained under duress, the law requires him to exclude it from evidence. However, human rights NGOs charged that judges decided cases often on the basis of forced confessions, especially in cases of Islamists accused of terrorism (see section 1.c.) or in the cases of some Saharawis.

Appeals court may in some cases be used as a second reference for courts of first instance, although they primarily handled cases involving crimes punishable by five years or more in prison. In practice defendants before appeals courts who are implicated in crimes with such a punishment consequently have no method of appeal. The Supreme Court does not review and rule on cases sent to it by the appeals court; the Supreme Court may overturn an appellate court's ruling on procedural grounds only. Therefore, there were few appeals for defendants in crimes whose penalty was long periods of confinement. An investigation by an examining magistrate was mandatory only when life imprisonment or the death penalty was a probability.

Human rights groups criticized as unfair the trials of demonstrators in Laayoune and Dakhla (Western Sahara), some of which were held in June and July. The groups reported that confessions were acquired under duress and lawyers had inadequate access to the defendants.

Human rights groups also voiced criticism regarding the conduct of some 2004 trials, which proceeded very quickly for some defendants, including mass trials of 50 persons.

In October 2003 the Minister of Justice established family courts to adjudicate divorce and child custody cases in anticipation of proposed reforms to the *Moudawana*. These courts addressed family issues for Muslim citizens, and the judges were trained in Shari'a (Islamic law) as applied in the country. By the end of the year, the Ministry of Justice, often in cooperation with international NGOs, had trained 300 new judges and 60 family court judges, while 600 judges had participated in continuing education courses.

Plans called for the establishment of 70 family courts with 1 for each province. At the end of 2004, the government had established 20 of these courts. No new specific family courts had been established by year's end. Family matters for Jewish citizens were handled by a parallel legal system available to them (see section 2.c.).

Political Prisoners.—The law does not distinguish political and security cases from common criminal cases. The government did not consider any of its prisoners to be political prisoners, although some NGOs considered selected detainees from the Western Sahara to be political prisoners.

Lack of free speech and media in the Western Sahara complicated attempts to confirm whether Sahrawis were imprisoned solely for their political affiliation, for open advocacy of independence, or for other violations of the law. In 2004 various international human rights groups estimated that 700 persons were imprisoned for advocating Western Saharan independence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law states that the home is inviolable and that no search or investigation may take place without a search warrant, although authorities sometimes ignored these provisions. The law stipulates that a prosecutor may issue a search warrant on good cause, particularly in cases of terrorism. Plainclothes security officers who did not identify themselves or present search warrants conducted home searches. The Moroccan Organization for Human Rights (OMDH) and AMDH, as well as the Islamist Justice and Charity Organization (JCO), reported home searches.

Government security services monitored certain persons and organizations, both foreign and domestic, and government informers monitored activities on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law generally provides for freedom of expression with restrictions, and throughout the year several publications tested the boundaries of press freedom.

The antiterrorist law and the press code impose financial penalties on journalists and publishers who violate the restrictions on defamation; libel; critical discussion of the monarchy; territorial integrity (advocating independence for the Western Sahara); and Islam. Prison sentences also can be imposed on those convicted of libel. The press code lists threats to public order as one of the criteria for censorship. Within these limits, politically diverse newspapers and weeklies published news and commentary and were sometimes critical of government policies. In October 2004 the government amended the press code to remove prison penalties for violations

of the antiterrorist law's restrictions. The government punished persons who violated limitations on free speech.

In June Nadia Yassine, a leading member of the JCO and daughter of its leader, was summoned before the courts for publicly stating her belief that the country would be healthier as a republic than as a monarchy. Her trial was postponed.

The government generally controlled the media through directives and guidance from the Ministry of Communication, subsidies, and advertising allocation. The government confiscated or indefinitely suspended publications judged offensive. The government censored newspapers directly by ordering them not to report on specific items or events. The government registered and licensed domestic newspapers and journals and used the licensing process to prevent the establishment of new publications or the publication of materials that exceeded its threshold of tolerable dissent. The Ministry of Communication controlled foreign publications by removing banned publications from circulation.

There were approximately two thousand domestic and foreign newspapers, magazines, and journals during the year. The government owned the official press agency, Maghreb Arab Press. The government also supported two semiofficial dailies, the French-language *Le Matin* and the Arabic-language *Assahra Al Maghribia*, and subsidized the press through price controls for newsprint and office space.

The government owned Moroccan Radio-Television. While nominally private and independent, the French-backed Medi-1 practiced self-censorship, as did other media outlets. A government-appointed committee monitored broadcasts. The government owned the only television stations whose broadcasts could be received in most parts of the country without decoders or satellite dish antennas. Satellite dish antennas were widely used. The government did not impede the reception of foreign broadcasts.

The government did not allow the JCO newspaper, *Rissalat Al Foutuwa*, to be sold on newsstands.

According to a Committee to Protect Journalists (CPJ) report, on January 18, authorities told editors of the Oujda-based weeklies *Al-Sharq* and *Al-Hayat Al-Maghribiya* to cease publication of their weeklies immediately for three months because of an article published in support of the 2003 terrorist attacks. Authorities imprisoned the editors for three months before they received a royal pardon. At year's end, the publications had resumed publication.

In January 2004 the courts fined journalist Narjis Erraghay \$0.11 (1 dirham) for charges of defamation brought against her for a 1999 article she wrote for the *Al Bayanne* newspaper in which she named Minister Mahmoud Archane as a torturer during his tenure at the Derb Moulay Cherif police station in Casablanca. Erraghay appealed the case. The parties reached a nonpublic agreement and the case was dismissed.

In January 2004 the king pardoned 33 prisoners including 7 journalists. Among the journalists was Ali Lmrabet, who had been sentenced in 2003 under the press code, to 4 years imprisonment, later reduced to 3 years on appeal, and fined \$2 thousand (20 thousand dirhams) for disrespecting the king, disparaging the monarchy, and challenging the country's territorial integrity. Lmrabet's newspapers, the French-language *Demain* and the Arabic-language *Doumain*, remained banned at year's end.

The other journalists pardoned in January 2004 were Mustapha Alaoui, Abdel Majid Ben Taher, Mustapha Kechnini, Mohamed Al Herd, Abdelaziz Jallouli, and Miloud Boutrigui. All were convicted in 2003 of offenses related to the government's handling of the 2003 terrorist attacks.

On April 12 the Rabat court of first instance convicted Lmrabet of defaming The Association of Relatives of Sahrawi Victims of Repression, a progovernment group, banned him from journalism for 10 years, and ordered him to pay \$5 thousand (50 thousand dirhams). In a Spanish newspaper article in November 2004, he had referred to the Sahrawis in Tindouf, Algeria, as "refugees" rather than as prisoners of the Polisario. According to the CPJ, local journalists had never heard of the Association of Relatives of Sahrawi Victims of Repression prior to January when Lmrabet first tried unsuccessfully to register a successor weekly to his banned publications. On June 23, an appeals court upheld the 10-year ban on Lmrabet's writing and the fine. In addition, Lmrabet was obligated to publish the verdict for 21 days in an Arabic-language newspaper at a cost of up to \$120 thousand (1.2 million dirhams).

On August 15, a court sentenced Ahmed Benchemsi, director of an independent French-language weekly magazine, *TelQuel*, and Karim Boukari, a journalist for *TelQuel*, to two months in jail for an article that apparently defamed a parliament member. The magazine was also fined \$100 thousand (one million dirhams), enough

to jeopardize the magazine's financial viability. The case was appealed, but there was no decision by year's end.

The media consistently practiced self-censorship.

The law requires the Ministry of Interior to justify to the courts any seizure or banning of domestic or foreign publications, suspension of the publisher's license, or destruction of equipment. The law provides for three to five-year jail sentences, fines, and payment of damages for newspaper officials found guilty of libeling public officials.

The government generally did not block Internet access; however, in November according to HRW, authorities began blocking access to Internet sites advocating independence for the Western Sahara.

The government restricted academic freedom. There was no open debate on the monarchy, Islam, or the country's incorporation of the Western Sahara per constitutional restrictions, but guidelines were not consistently enforced. Government informers monitored campus activities, mostly those of Islamist groups. The Ministry of Interior approved the appointments of university rectors.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, but it also permits the government to suppress peaceful demonstrations and mass gatherings.

Freedom of Assembly.—The law requires government permission for public assemblies, and authorities granted permission only for events considered nonthreatening to government policies. Police forcibly prevented and disrupted some peaceful demonstrations and mass gatherings. There were numerous demonstrations held throughout the year on a variety of issues. Unemployed diploma holders demonstrated monthly in front of the parliament. Intervention by the security forces was consistently excessive, even when persons with physical disabilities participated. On December 15, during a police assault on a demonstration by the National Dependent Group of Unemployed Moroccans, five protesters attempted a collective self-immolation using gasoline; one of the protesters died after being hospitalized for burns.

Freedom of Association.—The law provides for freedom of association, although the government limited this right in practice. Under a decree restricting civil society organizations, persons who wish to create an organization are required to obtain the approval of the Ministry of Interior to hold meetings. In practice the ministry generally used this requirement to prevent persons suspected of advocating causes opposed by the government from forming legal organizations. Historically, extreme Islamist and leftist groups encountered the greatest difficulty in obtaining official approval.

The Ministry of Interior must approve political parties, and in December the parliament passed legislation placing more stringent conditions on political parties. The law requires parties to hold frequent national congresses and to include women and youth in party leadership structures. Public funding of parties is to be based on a party's total representation in parliament and the total number of votes received nationally. Under the law a party can be disbanded if it does not conform to the provisions. To create a new party, a declaration must be submitted to the Ministry of Interior and signed by at least 300 cofounding members from one-half of the 16 regions of the country. Previously, under the 1957 law on associations, only three founding members were necessary. The new law reflects changes and revisions suggested by all political parties and members of civil society.

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice. The constitution designates the king as Commander of the Faithful and says that Islam is the official state religion; nevertheless, non-Muslim communities openly practiced their faiths with varying degrees of official restrictions. The government placed restrictions on certain Christian religious materials and proselytizing by members of any religion.

The government did not license or approve religions or religious organizations. The government provided tax benefits, land, building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

Beginning in 2003 authorities accused several imams and religious counselors of exploiting mosques to promote Islamist parties. The Ministry of Islamic Affairs and Endowments continued to monitor mosques, placed other restrictions on Muslims and Islamic organizations whose activities were deemed to have exceeded the bounds of religious practice or become political in nature, and began to provide religious training for imams, both male and female. The government strictly controlled the construction of new mosques, requiring a permit for construction. Authorities said that these measures were instituted to avoid exploitation of mosques for polit-

ical propaganda, such as distributing pamphlets and raising funds, or for disseminating extremist ideas.

The Ministry of Islamic Affairs and Endowments monitored Friday mosque sermons and the Koranic schools (religious training institutions) to ensure the teaching of approved doctrine. At times the authorities suppressed Islamist activity, but they generally tolerated activities limited to the propagation of Islam, education, and charity. Unlike the practice until 2003, security forces did not close mosques to the public shortly after Friday services to prevent the use of the premises for unauthorized political activity.

The government provided funds for the teaching of Islam in public schools as part of overall public education funding.

On October 27, authorities dropped charges against Hamid Al-Madany, a Christian convert from Islam who had been arrested for proselytism after police found his passport on a foreign Christian arrested for distributing Christian materials in Tehouan.

The small foreign Christian community operated churches, orphanages, hospitals, and schools without restrictions or licensing requirement. Missionaries who conducted themselves in accordance with cultural norms could largely work unhindered, but those who proselytized publicly faced expulsion. During the year there were reports of police questioning foreign missionaries because they carried Christian materials. The number of local Christians, apart from foreign spouses of citizens, was minute.

The government permitted the importation, display, and sale of Bibles in French, English, and Spanish, but not in Arabic, despite the absence of any law banning such books.

Islamic law and tradition called for punishment of any Muslim who converted to another faith. Any attempt to induce a Muslim to convert was illegal.

At year's end the Shiite organization Al Ghadir had not received an answer to its 2002 request for official status, the first such request for a Shiite association.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts, publications, or incitements to violence or hatred.

Representatives of the Jewish minority, numbering about five thousand, generally lived in safety throughout the country. The Jewish community operated a number of schools and hospitals whose services were available to all citizens. The government provided funds for religious instruction to the small parallel system of Jewish public schools. Jews continued to hold services in synagogues throughout the country.

There are two sets of laws and courts—one for Muslims and one for Jews—pertaining to marriage, inheritance, and family matters. Under the new Family Status Code, which applies to Muslims, the government began retraining judges and recruiting new civil judges, while rabbinical authorities continued to administer family courts for Jews. There were no separate family courts for other religious groups. The government continued to encourage tolerance and respect among religions.

During the 2003 terrorist attacks, members of the Salafiya Jihadia bombed five targets, including a Jewish community center in Casablanca. After the attacks Muslims marched in solidarity with Jews to condemn terrorism. Annual Jewish commemorations took place in the country, and Jewish pilgrims from the region regularly came to holy sites in the country. The International Committee of the Red Cross (ICRC) assisted the Ministry of National Education and the Ministry of Islamic Affairs and Endowments in designing a course on tolerance and international humanitarian law, which was introduced in selected schools.

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 restricted this right in certain areas. In the government-administered Western Sahara, authorities restricted movement in areas regarded as militarily sensitive and denied passports to a number of persons opposed to government policy in the territory.

The Ministry of Interior restricted the freedom to travel outside the country in certain circumstances. All civil servants and military personnel must obtain written permission from their ministries to leave the country.

The law provides for forced exile; however, there were no known instances of its use during the year.

The government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigres, including those with Israeli citizenship, freely visited the country. The government also encouraged the return of Sahrawis who departed the country

due to the conflict in the Western Sahara, provided that they recognized the government's claim to the territory.

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. In November 2003 the government adopted the Law on Emigration and Immigration that provides for the rights of asylum seekers and the temporary residency of persons who do not qualify for refugee status or asylum. The UN High Commissioner for Refugees (UNHCR) is currently the sole agency in the country entitled to grant refugee status and verify asylum cases. The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR continued to evaluate claims of refugee status in its office in Rabat.

In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution, and provided refugee status and asylum; however, there were reports that persons with possible claims to refugee status were turned away at the country's borders. The government organized a series of repatriations at its own expense.

On October 7, the NGO Doctors Without Borders (MSF) found approximately 500 illegal immigrants in the Sahara desert, abandoned by the government without food or water. The government removed the illegal immigrants from the country through which they were attempting to pass on their way to Europe, particularly Spain, the closest point. The government repatriated many of the immigrants at its own expense prior to the MSF report and following the report.

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

The law provides for regular, free elections on the basis of universal suffrage, although citizens did not have the full right to change their government.

The king as head of state appoints the prime minister, who is the titular head of government. The constitution authorizes the prime minister to nominate all government ministers, but the king may nominate ministers and has the power to replace any minister. The government consists of 35 cabinet-level posts, including 5 sovereign ministerial posts traditionally appointed by the king (interior, foreign affairs, justice, Islamic affairs, and defense). The Ministry of Interior nominates to the king the provincial governors (*walis*) and local district administrative officials (*caids*), and the king appoints them. The king also appoints the constitutional council.

Parliament has the theoretical ability to change the system of government, although the constitution may not be changed without the king's approval. Citizens elect municipal and regional councils.

Elections and Political Participation.—In September 2003 the government held elections for positions on approximately 25 thousand municipal councils. The government listed official turnout at 54 percent. By most accounts the balloting was well organized, but there were allegations of corruption and vote buying in some of the races. The government limited the participation of the PJD, the only Islamist party to participate in the elections, running candidates in 18 percent of the municipalities. Female candidates won 1.7 percent of municipal council seats while fielding 5 percent of the candidates. Following the elections, council members elected new mayors in all cities.

In September 2002 the government held the first free and fair parliamentary elections. The election took place under a revised electoral code, including a proportional list system, plus a national list of 30 seats reserved for women. There were candidates from 26 parties, and 52 percent of those eligible voted, according to government statistics. Observers noted that the absence of fraud and manipulation generally enhanced the credibility of reform efforts.

The parliament included 30 women who won seats reserved for women on the national list, plus 5 who won seats in their local districts. There were three female members of the upper house.

Government Corruption and Transparency.—There was a general perception in the country that corruption existed in the executive and legislative branches of government. In June the Supreme Council of the Judiciary initiated disciplinary proceedings against seven judges (see section 1.e.). Some human rights observers described bribery of officials, including the judiciary, as a grave impediment to human progress. They claimed that bribery was increasing, and that senior officials lacked the will to combat it. Some human rights activists said that authorities made scapegoats of a few prominent cases.

Transparency International's Corruption Perception Index reported an increase in perceptions of official corruption in the current year as compared to the previous year.

There was no freedom of information law.

The government publishes new laws and regulations in the official gazette within 30 days after their passage or promulgation.

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.

National human rights NGOs recognized by and cooperating with the government included: the OMDH; the Moroccan League for the Defense of Human Rights (LMDDH); and the AMDH. The AMDH did not cooperate officially with the government, but usually shared information. Since 2000 OMDH and LMDDH have had government subsidies in recognition of their serving the public interest. There were also numerous regional human rights organizations.

The Forum for Truth and Justice (FVJ) and the OMP were two additional prominent national human rights NGOs. Created by victims of forced disappearance and surviving family members, the FVJ's principal goal was to encourage the government to address openly the issue of past forced disappearances and arbitrary detention. The OMP's main purpose was to improve the treatment and living conditions of prisoners. These groups maintained fairly regular contact with government authorities throughout the year.

In 2003 authorities dissolved the Western Sahara branch of the FVJ on the charge that the organization had undertaken illegal activities that were likely to disturb public order and undermine the territorial integrity of the country. AI suggested that FVJ activities were the peaceful expression of views on the issues of self-determination and human rights. Six human rights activists arrested following the demonstrations in Laayoune in May were members of the FVJ, according to an AI report in August.

The government's attitude toward international human rights organizations depended on the sensitivity of the areas of the NGO's concern. The government generally was cooperative regarding disappearances and abuses by security forces. Although government officials met in 2002 with the International Council for the Rehabilitation of Victims of Torture (a Danish NGO), the government did not agree to its recommendation to permit the UN Committee Against Torture to make confidential investigations in the country and to consider individual complaints. There were no visits by the UN committee during the year.

During the year the ICRC made several visits, as did both AI and HRW.

Human rights training continued, based on an agreement between AI and the government for a 10-year human rights education program. The Ministry of Justice and the Ministry of National Education provided human rights education for teachers and, in cooperation with the ICRC, provided a curriculum for teaching international humanitarian law in schools. The government provided increased human rights training to prison officials, military officers, police, and medical personnel. The CCDH advised the palace on human rights issues, and the king charged CCDH to resolve cases related to persons who had disappeared.

In July 2004 the CCDH produced its first annual report on human rights in the country, a report mandated in 2002 by the government. The CCDH report focused at length on prison conditions and prison overpopulation. In December 2002 the king established a nonjudicial ombudsman to consider citizen allegations of governmental injustices and thereby ensure respect for the rule of law and justice. The last report submitted was in 2004 and the CCDH reviewed it.

In January 2004 the Equity and Reconciliation Commission (IER) began work. The authorities tasked the IER with making reparations for families of disappeared persons and other victims of abuse, restoring the dignity of victims, providing for their rehabilitation and medical care, and creating a thorough accounting of the events which led to human rights abuses and the circumstances of the crimes. The IER, headed by former political prisoner Driss Benzekri, had a one-year mandate that authorities extended until November 30 due to the larger than expected number of petitions.

The IER staff interviewed petitioners through the year, held public hearings on torture and disappearances, visited former prisons, and met with victims in regions that were particularly victimized, families of victims, and witnesses of violations. The press widely publicized the IER's activities. Under agreement with the IER,

participants in public hearings did not disclose the names of persons they considered responsible for violations. During its mandate the IER received more than 22 thousand applications. Of these, the IER assessed 16,861 cases. While the IER had prepared for public hearings in the Western Sahara, they were not held due to time constraints and unrest in the territory.

On December 1, the IER submitted its final report to the king, who determined that it would be released to the public. A newly formed section of the CCDH had responsibility to ensure compensation of all victims and follow through on the final IER recommendations.

Section 5. Discrimination, Societal Abuses, Trafficking in Persons

The law prohibits discrimination based on race, sex, disability, language, or social status; however, traditional practice discriminated against women, particularly in rural areas. In January 2004 both houses of parliament unanimously approved a new law governing personal status. These reforms to the *Moudawana* were designed to make the law freer of gender discrimination.

Women.—The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Spousal abuse was common, but there were no reliable statistics regarding its extent. Spousal abuse was more frequent in rural than urban areas and among less-educated persons. Although a battered wife had the right to file a complaint with police, as a practical matter, she would do so only if prepared to bring criminal charges. Physical abuse legally was grounds for divorce, although for legal and societal reasons, few women reported abuse to authorities.

While there was substantial progress in making the public aware of problems concerning women, public awareness was uneven. In July 2004 the Ministry of Family Solidarity set up toll free numbers for victims of domestic violence in 20 centers throughout the country. The government established the centers based on statistics relating to each category of violence as compiled by the Ministry of Justice and the size of the urban area. There was no information available on the effectiveness of this initiative.

The criminal code provides for severe punishment for men convicted of rape or sexual assault, and the authorities enforced the provisions. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. While not provided by law, victim's families may offer rapists the opportunity to marry their victims to preserve the family honor. Spousal rape was not a crime.

The law is lenient toward men with respect to crimes committed against their wives. Police are reluctant to become involved in what are considered private matters between husband and wife. Police hesitate also to violate privacy laws. Honor crimes, or assaults against women with the intent to kill, are committed because of the perception that a woman's behavior brings shame on the family. Such crimes were extremely rare.

The law prohibits prostitution; however, it was prevalent, especially in urban centers. NGO activists estimated that there were thousands of teenage prostitutes in urban centers. Their clientele were both foreign tourists and citizens. In July the government acted against sex tourism, convicting 60 local prostitutes in Agadir, a resort town. Authorities also arrested three young women in Agadir after their photographs were discovered on a pornographic Web site. The arrests drew criticism from human rights activists, who pointed out that the men involved, tourists from Gulf countries and Europe, were not punished. At the end of the year, authorities discovered an international prostitution ring in the Ifrane area with links to Jordan. Trafficking in persons was a problem (see sections 5, Trafficking, and 6.c.).

There was no law against sexual harassment, and there were no reliable statistics reporting on the extent of the problem.

The changes to the *Moudawana* introduced a number of changes to the status of women. The new law increased the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, rescinded the wife's duty of obedience to her husband, eliminated the requirement of a marital tutor for women as a condition to marry, created divorce by mutual consent, and imposed limitations on the practice of polygamy.

Authorities predicated the reforms on the establishment of 70 family courts and the training of judges to implement the reforms (see section 1.e.). The new family status code relies much more heavily on the court system than the previous law. Under the reforms time limits were established for the family courts to pronounce judgments; for example, a month for alimony cases and six months for divorces.

The criminal code generally accorded women the same treatment as men; however, the family status code governs family and estate cases. Even in cases in which

the law provides for equal status, cultural norms often prevented a woman from exercising her rights.

While many well-educated women pursued careers and there were two female ministers and a number of female CEOs, few women rose to the top echelons of their professions. Women constituted approximately 35 percent of the work force, with the majority in the industrial, service, and teaching sectors. Government statistics indicated that 22 percent of women were the primary wage earners for their families. The government reported that the illiteracy rate for women was 62 percent in urban areas (82 percent in rural areas), compared with 41 percent for men (50 percent in rural areas). Women in rural areas were most affected by inequality. Women who earned secondary school diplomas had equal access to university education. During the last academic year, over 80 percent of the attendees at government supported literacy programs were women, 55 percent of whom were in rural areas.

Many NGOs worked to advance women's rights and to promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights; all advocated enhanced political and civil rights. There were numerous NGOs that provided shelters for battered women; taught women basic hygiene; family planning; childcare; and promoted literacy.

Children.—The government was committed to the protection of children's welfare. The law provides for compulsory, free, and universal education for children between the ages of 6 and 15, and the government increasingly sought to enforce the law. For example, in the last academic year, 51 percent of kindergarten-aged children were enrolled; for the current academic year, 61 percent were enrolled. The number of students enrolled after 6 years of age increased from 53.5 percent to 91 percent in the past year, according to the Ministry of National Education.

A May 2004 report from the Secretariat for Literacy and Non-Formal Education estimated that as many as 1.5 million children between the ages of 9 to 15 were not in school. Over 140 thousand were enrolled in government remedial and vocational education programs.

The Ministry of National Education stated its goal was to reduce the student dropout rate from the current 40 percent to 20 percent. In the past the dropout rate had been as high as 70 percent. The ministry attributed the reduction in the rate was a result of boarding schools established in small towns and rural areas. Students were able to attend these schools, spend the night, and receive meals.

There were no reliable statistics on the number of girls married below the age of 18. UNICEF reported in 2004 that 18 percent of all marriages were child marriages; 24 percent of these occur in rural areas and 13 percent in urban areas. Using the family status code, the government, in coordination with international and local NGOs, informed women of their rights, partially in order to combat child marriages.

Child labor was a serious problem (see section 6.d.).

In 2003 the government signed an accord with Spain to repatriate unaccompanied minors. As part of the accord, Spain agreed to help the government reunify children with their families, place the children in halfway houses, and provide remedial education for the repatriated children. The accord has assisted the government with the repatriated minors; however, during the year a problem developed concerning these unaccompanied repatriated children. Upon their return to the country, the children encountered material difficulties and abuse on the streets, as well as abuse by border officials. The government had limited capacity to deal with this problem (see section 5, Trafficking).

The new family law provides that children born out of wedlock can carry the father's name.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. The 2003 Immigration and Emigration Act specifically prohibits trafficking in persons and fines and imprisons those, including government officials such as border patrol and immigration officers, who are involved in or who fail to prevent trafficking in persons. Under the penal code, perpetrators were prosecuted either for fraud, kidnapping, corruption of minors, or for forcing others into prostitution.

Women were trafficked abroad, and internal trafficking was also a problem, particularly of women for sexual exploitation or of young girls for domestic service. The government, working with local NGOs, particularly the Casablanca-based Baiti, provided health services to the women and girls as well as vocational training leading to employment.

The country was a transit point for trafficking and alien smuggling to Europe. Spain, the closest European country, was the initial destination point. In 2003 the

government created a binational commission on illegal migration and trafficking in persons with Spain, and began conducting joint patrols of the waters between the mainland and the Canary Islands. While the patrols were concerned primarily with reducing the voluntary migration of persons through the country to Spain, the effect of the patrols hindered trafficking.

Trafficking of women for prostitution was prevalent, and prostitution was a problem particularly in cities with large numbers of tourists, as well as near towns with large military installations. Prostitution of trafficked minors was a particular problem in the village of El Hajeb near Meknes, as well as in Agadir and Marrakech, which attracted sex tourists from Europe and the Arab Gulf states (see section 5, Children). To combat prostitution the government amended the penal code in 2003 to make sex tourism a crime, while other amendments increased the penalties for promoting child pornography and child prostitution and for employing underage children. Recent arrests indicate that the amendment had an impact.

The government did not provide direct funding to NGOs offering services to victims of trafficking; however, the government provided in-kind support. The government supported programs to keep children in school, improve education opportunities for rural girls, and expand economic opportunities in high-risk areas.

Persons with Disabilities.—There are no laws to assist persons with disabilities. The government has guidelines on how to deal with persons with disabilities, but they have no legal effect. Specifically, the law does not mandate access to buildings for persons with disabilities. While the Office of the Secretary of State for Families, Children, and the Handicapped attempted to integrate persons with disabilities into society, in practice integration largely was left to private charities. Nonprofit special education programs were too expensive for most families. Typically, families supported persons with disabilities, and some of the disabled survived by begging.

National/Racial/Ethnic Minorities.—The official language was Arabic; however, both French and Arabic were used in the news media and educational institutions. Science and technical courses were taught in French, thereby preventing the large, monolingual Arabic-speaking population from participation in such programs. Educational reforms in the past decade emphasized the use of Arabic in secondary schools. Failure to transform the university system similarly led to the disqualification of many students from higher education in lucrative fields. The poor lacked the means to obtain additional instruction in French to supplement the few hours per week taught in public schools.

Approximately 60 percent of the population claimed Berber heritage, including the royal family. Berber cultural groups contended that their traditions and language were being lost rapidly. Responding to this concern, official media broadcasts in the Berber language increased during the year from four to eight hours a day. Berber language classes also were included in the curriculum of 350 primary schools, affecting approximately 25 thousand students.

Section 6. Worker Rights

a. The Right of Association.—The law permits workers to establish and join trade unions, although the laws reportedly have not been implemented in some areas. Most union federations were allied with political parties, but unions were free from government interference. Approximately 5.5 percent of the country's workers were organized. Companies were forbidden from undermining legitimate work stoppages.

In June 2004 a new labor code went into effect. Nevertheless, the government continued to rely on an older tripartite process to reach accords on a reduction in the workweek from 48 to 44 hours, and on a 10 percent increase in the minimum wage. The labor code details restrictions on the number of overtime hours worked per week and rate of pay for holidays, nightshift work, and routine overtime.

The law specifically prohibits antiunion discrimination and incorporates elements of ILO Convention 87, but prohibits several categories of public employees the right to form unions. These include members of the armed forces, the police, and the judiciary. The new law expressly prohibits companies from dismissing workers for participating in legitimate union organizing activities. The law also prescribes the government's authority to intervene in strikes. Under the law, employers are no longer able to initiate criminal prosecutions against workers participating in strikes.

Union officers were sometimes subject to government pressure. Union leadership did not always uphold the rights of members to select their own leaders. Government pressure to remove the leader of the General Union of Moroccan Workers (UGTM), one of Morocco's most powerful unions, was controversial because of the pressure applied and the fact that the leader had been in office for 40 years.

The courts have the authority to reinstate arbitrarily dismissed workers and are able to enforce rulings that compel employers to pay damages and back pay. Unions

may sue to have labor laws enforced, and employers may sue unions when they believe unions have overstepped their authority.

b. The Right to Organize and Bargain Collectively.—The labor law mandates the right to organize and bargain collectively, and the government generally upheld this right. Trade union federations competed among themselves to organize workers. Any group of eight workers may organize a union, and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation. However, only unions able to show at least 35 percent of the workforce as members may be recognized as negotiating partners.

Collective bargaining was a longstanding tradition in some parts of the economy, such as the industrial sector, and was becoming more prevalent in the service sector, including banking, health, and the civil service. The wages and conditions of employment of unionized workers generally were set in discussions between employer and worker representatives. However, employers set wages for the vast majority of workers unilaterally. Labor disputes arose in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages.

The law requires compulsory arbitration of disputes; prohibits sit-ins; establishes the right to work; calls for a 10-day notice of a strike; and allows the hiring of replacement workers. The government can intervene in strikes, and a strike cannot take place around issues covered in a collective contract for one year after the contract comes into force. The government has the authority to break up demonstrations in public areas where strikes have not been authorized and to prevent the unauthorized occupancy of private space, such as a factory.

Unions may not prevent nonstrikers from working and may not engage in sabotage. Any striking employee who prevents a replacement worker from getting to his job is subject to a seven-day suspension. A second offense within one year is punishable by a 15-day suspension.

Employers wishing to dismiss workers are legally required to notify the provincial governor through the labor inspector's office. In cases in which the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal.

In general the government ensured the observance of labor laws in larger companies and in the public sector. In the informal economy, such as in the family workshops that dominated the handicrafts sector, employers routinely ignored labor laws and regulations, and government inspectors lacked the resources to monitor violations effectively.

In the Tangier Free Trade Zone, an export processing zone, the country's labor laws and practices fully apply to the 10 thousand employees. The proportion of unionized workers in the export zone was comparable to the rest of the economy, at approximately 6 percent.

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, Trafficking). In practice the government lacked the resources to inspect the many small workshops and private homes where the vast majority of such employment occurred. Forced labor persisted in the practice of adoptive servitude in households (see section 5, Children).

d. Prohibition of Child Labor and Minimum Age for Employment.—Many children worked in the informal and farming sectors due to the economic difficulties of their families. The government had difficulty addressing the problem of child labor, except in organized labor markets (see section 6.c.). Despite legislation young girls were exploited as domestic servants on a large scale (see section 5, Trafficking).

The practice of adoptive servitude, in which urban families employed young rural girls and used them as domestic servants, was widespread. Credible reports of physical and psychological abuse in such circumstances were common. Some orphanages were charged as complicit in the practice. More often, parents of rural girls contracted their daughters to wealthy urban families and collected the salaries for their work as maids. The public generally accepted the concept of adoptive servitude. It was unregulated by the government, although public criticism of the practice was growing. The National Observatory of Children's Rights had since 2000 conducted a human rights awareness campaign regarding the plight of child maids.

According to HRW the majority of child domestics worked 14 to 18 hours per day without breaks, 7 days a week, for salaries of \$0.40 to \$0.11 (0.4 to 1 dirham) per hour, and most child domestics did not receive any money directly; rather, they worked in effect for food, lodging, and clothing. HRW reported that police, prosecutors, and judges rarely enforced penal code provisions on child abuse or on "forced

labor in cases involving child domestics,” and few parents of children working as domestics were willing or able to pursue legal avenues that were unlikely to provide any direct benefit.

During the year, however, the government arrested on abuse charges two local employers of child maids. The arrests were made under new provisions of the penal code and were facilitated by government-NGO cooperation. The court sentenced 1 employer to 18 months in jail. The publicity surrounding these arrests helped inform the public about the legal and moral issues involved.

In May a foreign-government-funded child labor education initiative project, ADROS, announced that it had successfully withdrawn 3,543 children (including 2,417 former child maids) from the labor market and placed them in training and educational programs. Along with UNICEF and several domestic NGOs, the IPEC had several small, ongoing programs to provide child maids and other working children with rudimentary education, health care, and leisure activities.

The legal minimum age of employment was 15 years. The minimum age applied to all sectors and included apprenticed children and those in family businesses. The law prohibits children under 18 from being employed more than 10 hours per day, including a minimum of a 1-hour break, or in hazardous or night work.

The number of children working illegally as domestic servants was high, approximately 36 thousand. Of this number, 59 percent were under 15 years of age, 89 percent were recruited from rural areas, and 80 percent were illiterate. A 2001 joint study by the Moroccan League for the Protection of Children and UNICEF denounced the poor treatment many children received, such as being forced to work all day with no breaks.

Noncompliance with child labor laws was common, particularly in agriculture where, according to a 2003 survey by the International Program on the Elimination of Child Labor (IPEC) and the Ministry of Employment, 84 percent of the country's 600 thousand underage workers worked on family farms. In practice children often were apprenticed before age 12, particularly in small, family-run workshops in the handicraft industry. Children worked also in the informal sector in textile, carpet, and light manufacturing activities. Safety and health conditions, as well as wages in businesses that employ children, often were substandard. Children working in the textile sector remained a problem, and the government maintained that the informal handicrafts sector was difficult to monitor.

Ministry of Employment inspectors enforced child labor regulations, which generally were observed in the industrialized, unionized sector of the economy. Before the passage of the 2003 labor code, the inspectors were not authorized to monitor the conditions of domestic servants. The law empowered labor inspectors and police to bring charges against employers of underage children and specify penalties.

e. Acceptable Conditions of Work.—Neither the minimum wage for the industrialized sector nor the wage for agricultural workers provided a decent standard of living for a worker and family, even with extensive government subsidies. In many cases several family members combined their incomes to support the family. Most workers in the industrial sector earned more than the minimum wage. They generally were paid between 13 and 16 months' salary, including bonuses, each year.

The minimum wage was approximately \$223.30 (2,023 dirhams) per month in the industrialized sector. It was approximately \$5.60 (56 dirhams) per day for agricultural workers; however, businesses in the informal sector, which accounted for 60 percent of the labor force, often ignored the minimum wage requirements.

The minimum wage was not enforced effectively in the informal and handicraft sectors. To increase employment opportunities, the government allowed firms to hire recent graduates for a limited period through a subsidized internship program at less than the minimum wage. However, due to economic conditions, most interns were not offered full-time employment at the conclusion of their internships. According to the government, the overall unemployment rate during the year was 10.8 percent, but some union leaders contended that a more accurate figure, including underemployment, was approximately 35 percent. The government pay scale exceeded the minimum wage for workers at the lowest civil service grades.

The law provides for a 44 hour maximum workweek, with no more than 10 hours in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. Employers did not observe these provisions universally and the government did not enforce them effectively in all sectors.

Occupational health and safety standards were rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. Labor inspectors attempted to monitor working conditions and investigate accidents, but they lacked sufficient resources. While workers in principle had the right to remove themselves from work situations that endangered health and safety without

jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.

WESTERN SAHARA

Morocco claims the Western Sahara territory, with a population of approximately 267 thousand, and administers Moroccan law and regulation in the approximately 85 percent of the territory it controls; however, Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region, dispute its sovereignty. Since 1973 the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. The Moroccan government sent troops and settlers into the northern two-thirds of the territory after Spain withdrew in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a UN peacekeeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice advised that during the period of Spanish colonization legal ties of allegiance existed between Morocco and some of the Western Sahara tribes, but the court also found that there were no ties indicating "territorial sovereignty" by Morocco. The court added that it had not found "legal ties" that might affect UN General Assembly Resolution 1514 regarding the decolonization of the territory and in particular the principle of self-determination for its persons. Sahrawis (as the persons native to the territory are called) live in the area controlled by Morocco, as refugees in Algeria near the border with Morocco, and, to a lesser extent, in Mauritania. A Moroccan-constructed sand wall, known as the "berm," separates most Moroccan-controlled territory from Polisario-controlled sections.

In 1988 Morocco and the Polisario accepted the joint Organization of African Unity/UN settlement proposals for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved and a referendum has not taken place. In 1997 UN Secretary General Kofi Annan appointed James Baker as his personal envoy to explore options for a peaceful settlement.

Baker visited the territory, consulted with the parties, offered proposals to resolve the problem, and in 2001 presented a "framework agreement," which Morocco accepted but the Polisario and Algeria rejected. In 2003 Baker proposed a peace plan, which the UN Security Council endorsed. The plan proposed that a referendum consider integration with Morocco or independence, and addressed other questions agreed to by the parties, such as self-government or autonomy. Morocco ultimately rejected the plan, while the Polisario accepted it.

On August 1, the UN Secretary General appointed Peter Van Walsum to oversee the political process as his personal envoy replacing Baker, who resigned in June 2004.

On October 28, the Security Council adopted Resolution 1634, extending MINURSO and its 227 military staff until April 30, 2006, and calling on member states to consider making contributions to fund confidence-building measures to allow for increased contact between family members separated by the dispute, which UN Secretary General Kofi Annan called "deadlocked" in a report to the Security Council.

A substantial Moroccan subsidy aided migration and development, designed to strengthen the Moroccan hold on the 80 percent of the territory it controls. The Moroccan government also subsidized incomes, fuel, power, water, and basic food commodities for its citizens living in the Western Sahara. In October 2004 the Moroccan government unveiled a five-year approximately \$800 million (7.2 billion dirham) development program for all of what it called its "southern provinces," most of which are the territory.

Moroccan law applied to the civilian population living in the territory under Moroccan administration. Political rights for the residents remained circumscribed, and citizens did not have the right to change their government. UN observers and foreign human rights groups maintained that the Moroccan government monitored the political views of Sahrawis closely, particularly those suspected of supporting independence and the Polisario.

Since 1977 the Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued Ed-Dahab since 1983) have participated in Moroccan elections organized and controlled by the Moroccan government. In the 2002 Moroccan parliamentary elections, Sahrawis with political views aligned with the Moroccan government filled all the seats allotted to the territory. In 2003 the Moroccan government conducted

municipal elections in Morocco and the Western Sahara. No Sahrawis opposed to Moroccan sovereignty were candidates in the elections. According to Moroccan government statistics, the national turnout was 54 percent, including 68 percent in the territory.

From May 21 through May 25 and sporadically thereafter, 300 to 13 hundred individuals demonstrated in Laayoune, ostensibly protesting the transfer of a Sahrawi prisoner to Agadir. The Moroccan government arrested 37 demonstrators during and after the May demonstrations. Of those arrested, 12 received jail terms up to five years for damaging public property and using weapons against officials. Amnesty International (AI) claimed that demonstrators received prison terms up to 20 years. On May 30, further demonstrations occurred in Dakhla. The press reported the number of participants to be as high as 15 hundred.

Demonstrations broke out again in Laayoune in late October, initially in support of the independence of the Western Sahara, and later to draw attention to the thirtieth anniversary of the Green March. One Sahrawi, Hamdi Lembarki, died October 30 of wounds from the previous day's demonstration. Two policemen were arrested in connection with Lembarki's death, and the Moroccan government began an investigation, which remained pending at year's end.

The Moroccan Association of Human Rights (AMDH) reported that the trials of the demonstrators in the May disturbances were unfair because charges were never clearly articulated, lawyers were denied access to their clients, and allegations of torture by Moroccan authorities were not investigated.

On December 9, Human Rights Watch (HRW) sent an open letter to Moroccan King Mohammed VI concerning the detention of seven human rights activists. The activists were Ali Salem Tamek, Mohamed El Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud, Aminatou Haidar, and H'mad Hammad. The letter also raised concerns about seven other young detainees. While the 14 had been arrested following the May through June demonstrations, on October 30, during a subsequent demonstration, police arrested Brahim Dahane, the fifteenth person mentioned in the HRW letter. HRW visited Laayoune, examined case files of the defendants, and concluded that "little if any of the evidence implicating them in inciting, directing or participating in the violence (that is, the earlier demonstrations) appears to be credible."

On December 14, the Laayoune Court of Appeal sentenced the seven human rights activists to jail terms ranging from seven months to two years. AI reported that the proceedings lasted only a few hours and that the defendants were not given the opportunity to challenge alleged verbal confessions that police provided to the court. The defendants said that any alleged confessions were extracted only after torture or ill-treatment while they were in detention. Those sentenced were Ali Salem Tamek, Mohamed El Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud, Aminatou Haidar, and H'mad Hammad. Seven others also were sentenced in the same trial.

After being held for 48 hours following his arrest on October 30, police reportedly charged Brahim Dahane with belonging to an unauthorized organization, the Sahrawi Association for the Victims of Human Rights Abuses, of which he is the president. Dahane has not yet been brought to trial. AI considered Dahane and the other seven defendants to be prisoners of conscience.

Some prisoners arrested after the May demonstrations launched sporadic hunger strikes; the Polisario claimed the figure was 37. While initially the Moroccan government said that only seven prisoners were on a hunger strike, it later stated that all of the prisoners participated. The hunger strike ceased in September, but it resumed sporadically in ensuing months.

AMDH wanted the government to negotiate with those who had launched the hunger strike.

Following the May demonstrations, Spanish delegations composed of journalists and regional politicians attempted to visit the Western Sahara. Moroccan authorities, who charged that the visits were politically motivated, prevented several delegations from disembarking from their aircraft. Morocco embarked on negotiations with Spain to try to agree on guidelines for visits to the territory.

Spanish journalists based in Morocco had regular access to the territory, although they complained of surveillance and harassment by the Moroccan authorities.

In April Moroccan authorities detained three Norwegian journalists in Laayoune. The authorities interrogated and deported two of the journalists, who were covering a demonstration. Prior to the trial of 16 teenagers who participated in the May demonstrations in Laayoune, five Norwegians traveled overland to Laayoune from Morocco to show support for the teenagers, but Moroccan authorities stopped them and escorted them back to Morocco.

In recent years, there were no reports of politically motivated disappearances in the territory under Moroccan administration. Forced disappearance of individuals who opposed the Moroccan government and its policies occurred over several decades. In 1997 the government pledged that such activities would not recur and agreed to disclose as much information as possible on past cases. Authorities stated that they had released information on all 112 confirmed cases of disappearance. However, human rights groups and families claimed hundreds more cases, many from the territory. International human rights organizations estimated that there were between one thousand and fifteen hundred disappearances of Sahrawis in the territory, although conditions in the territory prevented confirmation of this figure.

The disappeared were both Sahrawis and Moroccans who challenged the government's claim to the territory or other government policies. Many reportedly were held in secret detention camps. At year's end Moroccan families did not have any information regarding their missing relatives, many of whom disappeared over 20 years ago.

In 2000 through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the government began distributing preliminary compensation payments to Sahrawis or the family members of those Sahrawis who had disappeared or been detained. The compensation was for urgent medical or financial needs. The government also announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants.

In January 2004 the Equity and Reconciliation Commission (IER) continued the work started by the CCDH to settle serious violations of human rights. The IER's mandate was to provide reparations to families of disappeared persons and other victims, to restore the dignity of victims, to provide for their rehabilitation and medical care, and to give a thorough accounting of the events that led to human rights abuses and of the circumstances of the crimes themselves. The appointed members of the IER included human rights activists, and the government designated Driss Benzekri, a former political prisoner, as commission president. On November 30, at the conclusion of its work, the IER had received 22 thousand applications, a number of them having to do with the territory. Investigative teams from the IER visited the territory on several occasions.

Under agreement with the IER, participants in the hearings in Morocco did not disclose the names of persons they considered responsible for violations. The IER heard from 16,861 victims, families of victims, and witnesses of human rights violations. The IER held public commission hearings in Morocco and planned for hearings in the territory, but the IER did not hold the latter hearings due to internal IER time constraints compounded by demonstrations in the territory. The IER identified over 693 graves through the testimony and the documentation phase of its work. The Moroccan government identified approximately 63 of the graves as Sahrawis; however, AMDH said that many more Sahrawis died during detention.

On December 1, the IER submitted to the king the final report, which assessed whether victims should be given compensation, calculated how much compensation they should receive, and outlined recommendations on how to prevent similar abuses in the future. The report delineated the reasons for the violence, as well as institutional responsibilities for the violations committed between 1956 and 1999. The king decreed that the entire report would be made public.

Both the 1991 settlement plan and the 1997 Houston Accords called for the Polisario to release all remaining Moroccan prisoners of war (POWs) after the parties completed the voter identification process. In 1999 MINURSO completed the provisional list of eligible voters. The Moroccan government continued to contest the identification process. The Western Sahara, a traditionally nomadic tribal area, continued to experience migration and emigration following 1975. Tribal members who left the region are eligible to vote, but their direct heirs are not. The Moroccan government disagreed with this determination.

On August 18, the Polisario released 404 Moroccan POWs, which accounted for the remaining Moroccan POWs. The Polisario had released two POWs in poor health on January 22; one subsequently died. On February 2, two POWs escaped, while on July 14, another four POWs escaped.

There were credible reports from international organizations, Moroccan non-governmental organizations (NGOs), and from the released POWs themselves, that Moroccan POWs suffered serious physical and psychological health problems due to their prolonged detention, abuse, and forced labor.

According to the Polisario, the government continued to withhold information on approximately 150 Polisario missing combatants and supporters whom the Polisario listed by name. Morocco formally denied that any Sahrawi former combatants remained in detention. The International Committee of the Red Cross (ICRC) continued to investigate such Polisario claims in addition to Moroccan claims that the

Polisario had not fully divulged information on the whereabouts of 213 Moroccan citizens. In a few cases, the ICRC found that individuals on the Polisario list were living peacefully in Moroccan territory or in Mauritania.

Morocco and the Polisario disputed the number of persons in the refugee camps. The Moroccan government continued to claim that the Polisario detained 45 to 50 thousand Sahrawi refugees against their will in camps near Tindouf, Algeria. The Polisario claimed that refugee numbers at Tindouf were much higher, but it denied that any refugees were held against their will. The UN High Commissioner for Refugees (UNHCR) and the World Food Program appealed regularly to donors for food aid, and distributed it to a population of approximately 155 thousand in the refugee camps, although the UN reduced the planning figure to 90 thousand, partially in response to concerns about inflated refugee numbers.

In August 2004 the UNHCR completed a six-month program of confidence building measures, highlighted by family visits that brought 12 hundred persons to meet for five days with long-separated relatives. Most participants were Sahrawi refugees from the refugee camps in Algeria visiting relatives in the Moroccan-controlled territory. Approximately 19 thousand Sahrawis registered to participate in the program, and the UNHCR transported 1,476 persons for visits. The confidence-building measures also included telephone exchanges between relatives in the territory and refugee camps in Algeria. The program was interrupted in August for lack of funding but resumed briefly in November and December.

The Moroccan government generally restricted freedoms of expression, assembly, and association. In late November the government blocked several Sahrawi-based Internet websites. Sahrawi activists claimed that they were unable to form political associations or politically oriented NGOs. The Moroccan authorities claimed that they did not intervene in the demonstrations in Laayoune and Dakhla until the demonstrators became violent and destroyed personal property.

In 2003 according to France-Libertie, a French human rights organization, the Polisario restricted freedoms of expression, assembly, association, and movement in its camps near Tindouf.

Due to continuing Moroccan control of the territory, the laws and restrictions regarding religious organizations and religious freedom were the same as those in Morocco.

The Moroccan government and the Polisario restricted movement in areas regarded as militarily sensitive.

Sahrawis continued to have difficulty obtaining Moroccan passports. The government issued activist Ali Salem Tamek a passport and allowed him to travel abroad, but he was later arrested for his role in the demonstrations. The government prevented Sahrawi nationalists who had been released from prison in Morocco from living in the disputed territory.

The law imposes stiff fines and prison terms on those, including government officials, involved in or failing to prevent trafficking in persons. The territory was a transit region for traffickers of persons.

There was little organized labor activity. The same labor laws that apply in Morocco apply in the Moroccan-controlled areas of the territory. Moroccan unions were present in the areas controlled by Morocco, but they were not active. The Polisario-sponsored labor union, Sario Federation of Labor, also was not active because the Polisario-controlled territory did not contain major population centers or economic activity, apart from nomadic herding.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan government or state-owned organizations. They were paid 85 percent more than their counterparts in Morocco as an inducement to relocate to the territory. The Moroccan government exempted workers from income and value-added taxes.

Moroccan law prohibited forced or bonded labor, including by children, and there were no reports that such practices occurred.

Regulations on the minimum age of employment were the same as in Morocco. Child labor did not appear to be a problem.

The minimum wage and maximum hours of work were identical to those in Morocco. However, in practice, during peak periods, workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, which was well beyond the 10-hour day, 44-hour week maximum stipulated in the Moroccan code of labor. Occupational health and safety standards were the same as those enforced in Morocco and were rudimentary, except for a prohibition on the employment of women in dangerous occupations.

OMAN

The Sultanate of Oman is a hereditary monarchy with a population of approximately 2.3 million people, ruled by Sultan Qaboos Al Bu Sa'id. In 1996 the Sultan, who acceded to the throne in 1970, issued a royal decree promulgating a "Law of the State," characterizing the country as "Arab" and "Islamic." The law can only be amended by royal decree. The country has no political parties; however, the 83-member Consultative Council (Majlis Al-Shura) is a representative advisory institution whose members in 2003 were elected directly, freely, and fairly by all adult citizens, except military and security personnel. With 59 members appointed by the sultan, the State Council (Majlis Al-Dawla), along with the Consultative Council, forms the bicameral body known as the Council of Oman (Majlis Oman). The civilian authorities maintained effective control of the security forces.

Although the government respected a number of rights, many human rights problems remained. The following human rights problems were reported:

- inability of citizens to change the government
- arbitrary arrest
- arbitrary and incommunicado detention
- restrictions on the exercise of civil liberties—freedom of speech (including academic freedom), the press, assembly, and privacy
- limitations on the right of association, particularly for human rights groups
- restrictions on religious freedom
- discrimination and domestic violence against women
- restrictions on labor rights

The government improved workers' rights with the continued implementation of the 2003 Labor Law. The most significant labor development was the establishment of 25 worker representative committees and the independent election of their leadership. Newly elected committees also exercised their right to strike on at least four occasions.

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 the government generally respected these provisions in practice; however, there were accusations of police employing unnecessary force to disband protestors and of investigative judges threatening physical harm to uncooperative detainees. The government dismissed or demoted police found guilty of using excessive force.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and no international human rights observers requested visits during the year. The government permitted visits by local religious groups.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention. There were isolated reports of police arrest and interrogation that constituted incommunicado detention.

Role of the Police and Security Apparatus.—The Royal Office, whose head holds cabinet status, controls internal and external security and coordinates all intelligence and security policies. Under the Royal Office, the Internal Security Service investigates all matters related to internal security, and the Sultan's Special Force has limited border security and antismuggling responsibility. The Royal Oman Police (ROP), whose head also holds cabinet status, performs regular police duties, provides security at airports, serves as the country's immigration agency, and operates the coast guard. The Ministry of Defense, and in particular the Royal Army of Oman, also has limited domestic security responsibilities. Corruption and impunity were not perceived to be widespread problems. There were no instances in which the police failed to respond to societal violence. The ROP's Directorate General of Inquiries and Criminal Investigation is charged with investigating allegations of police abuse, and its findings are turned over to the Director General of Human Resources for disciplinary action.

Arrest and Detention.—The police are not required to obtain warrants prior to making an arrest. Within 48 hours of arrest, the police must either release the accused person or refer the matter to the public prosecution. The public prosecution must then, within 24 hours, either formally arrest or release the person. Authorities must obtain court orders to hold suspects in pretrial detention. Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. The authorities post the previous week's trial results near the magistrate court building. There was a functioning system of bail.

The police sometimes failed to follow legal procedures. In some instances, police handling of arrests and detentions constituted incommunicado detention. The police did not always inform detainees of the charges against them, nor did they always notify a detainee's family or, in the case of a foreign worker, the worker's sponsor, of the detention. At times notification was made just prior to the detainee's release. Public attorneys were provided to indigent detainees. The police did not always permit attorneys and family members to visit detainees, nor always permit attorneys to be present during questioning of the accused, as provided by law. Judges occasionally interceded to ensure that security officials allowed such visits.

According to Amnesty International (AI), there was one political detainee during the year. On July 12, the government held incommunicado writer and human rights activist Abdullah Al-Riyami on accusations of instigating civil unrest, urging people to change the laws, committing acts prejudicial to public order, encouraging dissent, damaging the unity of the nation, and committing treason for contacting international human rights organizations while expressing views critical of the government. International nongovernmental and human rights organizations criticized the government for his detention. Al-Riyami did not have access to family or a lawyer; police authorities released him on July 20 without filing charges.

Amnesty.—On June 9, the sultan pardoned 31 Ibadhi Muslim citizens convicted on May 2 of belonging to a secret organization and plotting to overthrow the government (see section 2.b.). On July 18, the sultan also pardoned 206 citizens and 162 foreigners convicted of various crimes. On November 17, the sultan pardoned an additional 232 citizens and 43 foreigners convicted of crimes.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the various courts were subordinate to the sultan. The sultan appoints all judges, who serve at his discretion through royal decree. The sultan can act as a court of final appeal and intercede in cases, such as those concerning national security. However, there were no reported instances in which the sultan overturned a decision of the magistrate courts.

The Ministry of Justice administers all courts. The judiciary is composed of magistrate courts and Shari'a courts. The magistrate court system is composed of courts of first instance, courts of appeal, and the Supreme Court. There are 42 courts of first instance located throughout the Sultanate that hear civil, criminal, and commercial cases. A single judge presides over each of these courts, but the eight courts in the largest governorates also have a panel of three judges with jurisdiction over special cases. The six courts of appeal are presided over by three judges. The Supreme Court standardizes legal principles, reviews decisions of lower courts, and monitors judges in their application and interpretation of the law. Any appeals beyond the Supreme Court must be made directly to the sultan, who has the power to pardon or reduce sentences but cannot overturn a court verdict.

Shari'a courts have jurisdiction over matters of family law and personal status, such as divorce and inheritance. Appeals to decisions of Shari'a courts are brought before courts of appeal.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, there was one reported case of an individual's lawyer receiving little time to review the case, insufficient access to government-held documents regarding the case, and no opportunity to rebut. According to the defendant, only one relative was allowed in the courtroom, and the proceedings were closed.

The General Prosecutor's Office operates independently within the Ministry of Justice. All felonies are adjudicated at the central magistrate court by a panel whose rulings are final except for those in which the defendant is sentenced to death. The criminal appeals panel is composed of the president and vice-president of the magistrate court, and two judges. This panel hears appeals of rulings made by all courts of first instance.

A royal decree established criminal rules of procedure for criminal cases before the court, providing rules of evidence, procedures for entering cases into the criminal system, and detailing provisions for a public trial. In criminal cases, the police provide defendants with the written charges against them and defendants have the

right to present evidence and confront witnesses. The prosecution and the defense question witnesses through the judge in court. The law provides for the presumption of innocence and the right to counsel. For defendants facing prison terms of three years or more, the law provides legal defense. Judges often pronounced the verdict and sentence within one day of the completion of a trial. Those convicted may appeal jail sentences longer than 3 months and fines over the equivalent of \$1,250 (480 rials) to a 3-judge panel.

The administrative court, under the authority of the diwan of royal court, reviews complaints against the misuse of governmental authority. It has the power to reverse decisions made by government bodies and can also award compensation.

The state security court tries cases involving national security and criminal matters that require expeditious or especially sensitive handling. Two royal decrees in 2003 gave the court a legal basis. The security court procedures mirror closely those applicable elsewhere in the criminal system. The sultan has exercised his powers to extend leniency, including cases involving state security.

Ministry and security personnel are subject to a military tribunal system of justice. Military officials were reportedly tried in secret military tribunals for alleged involvement with a secret organization and plotting to overthrow the government. However, all those convicted were released in the month following the trials (see section 1.d.).

Political Prisoners.—On July 13, former parliamentarian Taybah Al-Ma'wali received a one-and-a-half year sentence for insulting a public official and using a mobile phone to send allegedly slanderous and libelous text messages, which criticized the government's arrest of Ibadhi activists. The government did not permit access by family during the detention and trial. AI and Reporters Without Borders voiced strong objections to the detention, trial, and conviction. Both domestic and international supporters petitioned the government for the activist's release. On August 7, a court of appeals reduced Al-Ma'wali's sentence to six months in prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for broad governmental discretion, which the government utilized in practice.

The law does not require police to obtain search warrants, although the police often obtained them; however, the public prosecutor, not the court, issues them. The government eavesdropped on both oral and written communications, including mobile phones, e-mail, and Internet chat room exchanges (see section 1.e. and 2.a.). Citizens were required to obtain permission from the Ministry of Interior to marry foreigners, except nationals of the Gulf Cooperation Council (GCC) countries, and permission was not granted automatically. Marriages to foreigners may lead to denial of entry of the foreign spouse into the country and prevent a legitimate child from claiming citizenship rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press "within the limits of the law"; however, the law itself and government practice generally restricted freedom of speech and of the press. The law prohibits criticism of the sultan in any form or medium, or the publishing of "material that leads to public discord, violates the security of the state, or abuses a person's dignity or his rights." The government charged former parliamentarian Taybah Al-Ma'wali with violating the Telecommunications Act based on her mobile phone messages that criticized the government (see section 1.e.).

Journalists and writers generally exercised self-censorship due to fear of government reprisal. Various media companies reportedly refused to publish articles of several journalists. The authorities tolerated some degree of criticism of government officials and agencies, particularly on the Internet; however, such criticism rarely appeared in the mass media, and libel laws and concerns for national security were used as grounds to suppress criticism of government figures and politically objectionable views (see section 1.e.).

Censors enforced the Press and Publication Law, which authorizes the government to censor all domestic and imported publications. Ministry of Information censors may act against any material regarded as politically, culturally, or sexually offensive. Editorials generally were consistent with the government's views, although the authorities tolerated some criticism regarding foreign affairs issues. Citizens were publicly critical of GCC policies, which the country participates in determining.

There were six daily newspapers: three in Arabic and three in English. Arabic language dailies *Al-Watan* and *Shabiba* as well as the English dailies *Times of Oman* and *Oman Tribune* were privately owned. There were 31 state-owned and privately owned magazines published in the country.

The government owned three radio stations and one television station, which generally did not air politically controversial material. In August 2004 the government promulgated a new law allowing private radio and television companies. On October 10, the Ministry of Information approved licenses for one private television station and three private radio stations. Foreign broadcast information was accessible to those with the financial resources to obtain satellite dishes.

Customs officials confiscated videocassette tapes and erased offensive material. Such tapes may or may not have been returned to their owners. Government censorship decisions were changed periodically without any stated reason. The confiscation of books and tapes at the borders from private individuals and restrictions on popular novels reportedly eased.

The appropriate government authority, the police, or a relevant ministry must approve public cultural events. Most organizations avoided controversial issues due to belief that the authorities might not approve their events.

The government's national telecommunications company made Internet access available for a fee to citizens and foreign residents. However, it blocked numerous Web sites that it considered pornographic, politically sensitive, or competitive with local telecommunications services. As use of the Internet for expressing views normally not permitted in other media grew, the government took additional measures to monitor and censor it. The government placed warnings on Web sites that criticism of the sultan or personal criticism of government officials would be censored and could lead to police questioning, which increased self-censorship.

The government restricted academic freedom, particularly regarding publishing or discussing controversial matters, such as domestic politics. Professors could be dismissed if their work exceeded government boundaries; in November one professor was dismissed from Sultan Qaboos University.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for a circumscribed freedom of assembly “within the limits of the law,” and the government restricted the exercise of this right in practice. Prior government approval was necessary for all public gatherings. The authorities enforced this requirement with rare exceptions, such as demonstrations by teachers protesting the lack of promotions and expatriate workers protesting non-payment of back wages. On May 3, the police used unnecessary physical force to disband a demonstration held in connection with the convictions of 31 Ibadhi Muslims. Dozens of protestors were arrested but reportedly not charged; they were released after several days.

Freedom of Association.—The law provides for freedom of association “for legitimate objectives and in a proper manner.” The government limited this freedom in practice, using its ability to prohibit associations whose activities were deemed “inimical to the social order.” In January the government denied a request to establish a domestic human rights center (see section 4.). The law states that the Ministry of Social Development must approve the establishment of all organizations and their by-laws; however, some social or charitable groups were allowed to function without formal registration. The government used licensing to control the political environment and did not license groups regarded as a threat to the predominant social and political views or the interests of the country. Associations were not permitted to engage in politics, form parties, or interfere with religious matters (see section 3.). Formal registration of nationality-based associations was limited to a maximum of one association for any nationality.

On May 2, the government convicted 31 Islamists for establishing an illegal organization for the reported purpose of overthrowing the sultan and establishing an *Imamate* (a country governed by a Muslim scholar). Two men received 7-year sentences, one received a 10-year sentence, and the remaining received prison terms ranging from 7–20 years.

During the year nongovernmental organization (NGO) leaders received letters from the government threatening sanctions unless their organizations completed a complicated and time-consuming registration process. There was a total of 16 registered NGOs; 3 were registered during the year. The average time required to register an NGO was at least two years.

The Law of National Associations provides for the establishment of associations within the limited spheres of women, children, the elderly, persons with disabilities, and special groups such as economic, consumer protection, and environmental associations. There were 42 government-approved women's associations, some of which received limited government funding or in-kind support, while others were self-funded.

c. Freedom of Religion.—The law provides for freedom of religion within the limits of the law; however, the government generally restricted this right in practice. The

law provides that Islam is the state religion and that Shari'a is the source of all legislation. Most citizens were Ibadhi or Sunni Muslims, with some Shi'a and a few non-Muslim citizens. The government permits worship by non-Muslim residents. All religious organizations must be registered with the government, and some of their activities were restricted.

Non-Muslims were free to worship at churches and temples built on land donated by the sultan. Although the law does not prohibit proselytizing, the government prohibited non-Muslims from proselytizing Muslims, while proselytizing of non-Muslims by Muslims was allowed. The government also prohibited non-Muslim groups from publishing religious material, although religious material printed abroad could be brought into the country.

Members of all religions and religious groups were free to maintain links with members abroad and undertake foreign travel for religious purposes. Foreign clergy were allowed to visit religious groups.

The government required all imams to preach sermons within the parameters of standardized texts distributed monthly by the Ministry of Religious Affairs and Endowments. The government monitored mosque sermons to ensure that imams did not discuss political topics or instigate religious hatred or divisions and stayed within the state-approved interpretation of Islam. Imams may be suspended or dismissed for exceeding government boundaries; there were no reported suspensions or dismissals during the year. The government also monitored sermons of non-Muslim clergy.

Societal Abuses and Discrimination.—The government does not officially collect or publish statistical data on the religious affiliation of the population. However, there were no reports of societal violence, harassment, discrimination, or anti-Semitic acts against members of religious 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 does not provide for these rights; however, the government generally respected these rights in practice. The law prohibits exile, and there were no reported cases during the year.

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, although the country is not a state party to either the convention or the protocol. In practice the government provided protection against *refoulement* but did not routinely grant refugee or asylum status. The government did not accept refugees for resettlement during the year.

The law prohibits the extradition of political refugees, and there were no reports of the forced return of persons to a country where they feared persecution. The issue of temporary protection for refugee and asylum-seekers did not arise during the year. Tight control over the entry of foreigners into the country effectively limited refugees and prospective asylum seekers from entering. Illegal immigrants numbering in the thousands, primarily from Iran, Pakistan, and Afghanistan were apprehended by the ROP and the Armed Forces. The detainees were held in special detention centers until their deportation could be arranged. The government sought advice from the UN High Commissioner for Refugees.

Section 3. Respect for Political Rights: Citizen's Right to Change Their Government

The law does not provide citizens with the right to change their government. The Sultan retains ultimate authority on all foreign and domestic issues.

Elections and Political Participation.—The law does not provide for political parties or direct elections, except for the Consultative Council. Citizens 21 years or older (except military and security personnel) may vote. In 2003 approximately 74 percent of registered voters, or approximately 194 thousand persons, turned out. The government did not allow candidates to advertise or actively campaign for office. A total of 506 candidates, including 15 women, competed in generally free and fair elections for the 83 council seats. Of the 15 female candidates, 2 were elected. In 2003 a royal decree also reappointed the incumbent president of the Consultative Council, although the council elected two vice-presidents from within its membership. The sultan did not influence the nomination of the consultative council candidates.

The Consultative Council serves as a conduit of information between the citizens and the government ministries; however, it has no formal legislative powers. Government ministries or the cabinet author all draft legislation. No serving government official is eligible to be a consultative council member. The Consultative Council may question government ministers in public or in private, review all draft laws

on social and economic policy, and recommend new laws or legislative changes to the Sultan, who makes the final decision.

The State Council serves as an advisory body that reviews draft laws proposed by the government, and presents its opinions to the sultan and his ministers in cooperation with the Consultative Council. The State Council president is appointed by royal decree and its two vice-presidents are elected from within its membership. During the year the membership of the State Council increased from 58 to 59 members, and included 9 women. The State Council and the Consultative Council together form the Council of Oman. In 2003 a royal decree extended the term of office to four years for Council of Oman members.

Citizens had indirect access to senior officials through the traditional practice of petitioning their patrons, usually the appointed local governor, for redress of grievances. Successful redress depended on the effectiveness of a patron's access to appropriate decision makers. Decisions of government ministers can be contested in the administrative court.

There were 11 women in the 142-seat Council of Oman. There were 4 female ministers appointed to the 42-member cabinet.

The Council of Oman and the Cabinet of Ministers are composed of representatives from a variety of linguistic, religious, racial, and other backgrounds.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year. During the year the International Auditing Bureau reported 31 individuals, including government officials, were accused of bribery, forgery, misuse of job position, and divulging professional secrets. They received various jail sentences and fines.

The law does not provide public access to government information. All royal decrees and ministerial decisions are published in the *Official Gazette* for public access.

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

The government restricted NGO activity. There were no registered domestic human rights NGOs and no government-controlled or autonomous human rights entities in the country. In January the government denied a request from a human rights activist to establish a domestic human rights center. Activists involved in foreign-registered organizations were subject to the threat of arrest or loss of government employment or scholarships. No association may receive funding from an international group without government approval. Individuals convicted of doing so could receive up to 6 months in jail and a \$1,310 fine (500 rials).

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

The law prohibits discrimination against citizens on the basis of sex, ethnic origin, race, language, religion, place of residence, and social class. However, the government did not effectively enforce it. Societal and cultural discrimination based on gender, race, social class, and disability existed.

Women.—The law does not specifically address domestic violence against women; however, Shari'a prohibits all forms of physical abuse. There was no evidence of a pattern of spousal abuse, although allegations of such abuse in Shari'a courts were reportedly common. Battered women may file a complaint with the police but often sought family intervention to protect them from violent domestic situations. Likewise, families sought to intervene to keep such problems from public view. Some employers reportedly sexually abused domestic servants. There were no government programs for abused women.

The law prohibits rape, and the government enforced the law effectively. Approximately 132 persons were convicted of rape during the year.

There is no law prohibiting female genital mutilation (FGM); however, doctors in hospitals were not permitted to perform the procedure. Local women primarily performed FGM in villages. According to a UN Children's Fund (UNICEF) and World Health Organization study, FGM was broadly socially accepted. The government addressed the issue in its national health planning and allowed the July publication of a feature magazine article discussing the practice and its potential harm to women.

Prostitution was illegal and was not widespread due to strict cultural norms and immigration controls.

While progress has been made in changing laws and attitudes, women continued to face many forms of social discrimination.

Illiteracy among older women hampered their ability to own property, participate in the modern sector of the economy, or inform themselves of their rights. Women

may own property. However, government officials applied different standards to female applicants for housing loans, resulting in fewer approvals for women.

Aspects of Islamic law and tradition as interpreted in the country also discriminated against women. Shari'a favors male heirs in adjudicating inheritance claims. Many women were reluctant to take an inheritance dispute to court for fear of alienating the family. Women married to noncitizens may not transmit citizenship to their children.

Women have equal opportunities for education. In addition, female students represented 63 percent of the national undergraduates studying abroad. A 2003 UNICEF report praised the country's achievements in closing the gender gap in education. Educated women have attained positions of authority in government, business, and the media. Approximately 33 percent of all civil servants were women. In both the public and private sectors, women were entitled to maternity leave and equal pay for equal work. The government, the country's largest employer of women, observed such regulations, as did many private sector employers. However, many educated women still faced job discrimination. The Ministry of Social Development is the umbrella ministry for women's affairs. The ministry provided support through the Oman Women's Association and local community development centers.

Children.—The government has declared education, health, and general welfare of children a national priority. Primary school education for children, including non-citizen children, was free and universal but not compulsory. In 2003–2004 the ratio of female to male enrollment was equal in primary education. Primary school enrollment was 65 percent. Most children attended school through secondary school. The government provided free health care for all children up to age six. The infant mortality rate continued to decline, and comprehensive immunization rates rose. There were no public reports of violence against children; however, the government called publicly for greater awareness and prevention of child abuse. FGM was performed in some cases on girls aged one to nine years old (see section 5.).

There were no reports of child prostitution. Child labor existed in the informal, subsistence, and family business sectors of the economy; however, it was not a problem in the organized labor market (see section 6.d.).

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, trafficking crimes are prosecuted under the criminal code and those convicted face three to five years in prison.

While one NGO reported unsubstantiated claims of evidence near the Buraimi Oasis that foreign children were trafficked to the country for training as camel jockeys, the local UNICEF representative concurred with the government's denial that foreign children were trafficked and employed as camel jockeys. According to a December 20 statement from the International Labor Organization, child camel jockeys were no longer an issue in the country.

The government operated a 24-hour hot line to register complaints of potential victims and also worked with foreign governments to prevent trafficking in persons.

Persons with Disabilities.—There was no government discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services.

The Ministry of Social Development is responsible for protecting the rights of persons with disabilities, and it implemented legislation during the year to ensure access to buildings for persons with disabilities. The government actively enforced the law through the construction permit process. The labor law stipulates that enterprises employing more than 50 persons should have at least 2 percent of the jobs reserved for persons with disabilities; however, this regulation was not widely enforced. There was 1 government-sponsored rehabilitation center in the capital area and 17 private rehabilitation centers throughout the country. A few persons with disabilities, including blind persons, worked in government offices. Persons with disabilities generally were not charged for physical therapy and prosthetics.

Other Societal Abuses and Discrimination.—While there were no reports of official discrimination against persons with HIV/AIDS, societal attitude in the country remained fearful towards persons with the disease. A "Peer Education" pilot project promoted by the Ministry of Health and initiated in the Muscat area attempted to improve awareness and education on the disease among youth. In 2003 a toll-free AIDS hot line was inaugurated, and it fielded two thousand calls per month during the year. The hot line provided information on various sexually transmitted diseases.

Section 6. Worker Rights

a. The Right of Association.—The 2003 labor law provides workers the right to form a representational committee with the goal of taking care of their interests,

defending their rights, and representing them in all matters related to their affairs. There is an unofficial estimate that 25 committees representing 9.1 percent of wage-earners in the private sector have been registered since 2004. The provisions of the labor law apply to women and foreign workers. The law does not grant members of the armed forces, public security institutions, employees of the state, and domestic workers the right to form representational committees. Conditions of employment of these categories of workers are covered by the Civil Service Law and individual ministerial decrees.

Although any establishment may vote to elect a representational committee by secret ballot, committee leadership was restricted to employees who can speak and write Arabic. The Ministry of Manpower has final decision on committee registration and required prior notification and copies of agendas for committee meetings. Membership in the administrative body may be terminated if members "commit any act that causes material or moral harm to the committee or the establishment or its workers or the public interest of the Sultanate." In addition, committees may not accept grants from noncitizens and may not travel outside the country in an official capacity without approval from the Ministry of Manpower.

On May 4, the government appointed a Main Representative Committee (MRC), a national-level organization, composed of elected members from the registered committees and represented all workers at international conferences. During the year the MRC worked with the independent committees and the Ministry of Manpower to identify areas of concern and strengthen implementation of the labor law.

b. The Right to Organize and Bargain Collectively.—The labor law does not address strikes or explicitly provide for the right to collective bargaining; however, the law details procedures for dispute resolution and removes a 1973 prohibition on strikes. Wages are set through individual contracts as well as sector and expatriate embassy minimum wage requirements. Representative committees are not prohibited from striking or collective bargaining. Although labor unrest was rare, there were four reported strikes during the year, the most significant of which closed the largest seaport for two days.

Domestic employees have the right to end a contract if they prove that employers or family members assaulted them. There were no available statistics on the number of complaints filed by domestic workers at year's end. The law also stipulates that employees should be paid within seven days of the end of each month, receive free food, accommodation, and medical treatment.

Work rules must be approved by the Ministry of Manpower and posted conspicuously in the workplace by employers of 15 or more workers. Government inspectors performed random inspections to enforce implementation of these regulations; there were more than 4,300 inspections in 2004. Similarly, any employer with 50 or more workers must establish a grievance procedure. All employees, including foreign workers, have the right to take disputes to the Labor Welfare Board (LWB) and are encouraged to contact the Ministry of Manpower's 24-hour hot line to report labor abuse or violations. The LWB attempts to mediate disputes between employers and employees. In some cases, worker representatives were able to file collective grievances. If a settlement cannot be reached, the parties may seek recourse in the appropriate courts.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including of children, and the government generally enforced this prohibition.

At times foreign workers were reportedly placed in situations amounting to forced labor. Employers sometimes withheld documents that released workers from employment contracts and allowed them to change employers. Without such a letter, a foreign worker must continue to work for his current employer or become technically unemployed, and consequently a candidate for deportation.

Many foreign workers were not aware of their right to take such disputes before the LWB. Others were reluctant to file complaints for fear of retribution from unscrupulous employers. In most cases the LWB released the worker from service without deportation and awarded compensation for time worked under compulsion. In addition to reimbursing the worker's back wages, guilty employers were subject to fines. There were no available statistics on the number of disputes filed or resolutions by year's end.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law specifically prohibits forced or bonded labor by children, and there were no reports that the practice was common.

In 2003 the government raised the minimum age for children to work from 13 to 15. For certain hazardous occupations, the minimum employment age is 18. Children 15 to 18 years of age may be employed but cannot work at night, on weekends,

or holidays. The Ministry of Manpower generally enforced the law; however, in practice enforcement often did not extend to some small family businesses that employed underage children, particularly in the agricultural and fishing sectors.

Child labor did not exist in any formal industry. As a cultural practice, Bedouin children participated in camel racing for their families. In August the government raised the minimum age of camel riders from 12 to 18 years, to rise annually by 1 year until the 18-year minimum is achieved in 2009. However, the initial minimum age was set at 14 years during the year.

e. Acceptable Conditions of Work.—The Ministry of Manpower issues minimum wage regulations for various categories of workers. The minimum wage for most citizens is approximately \$260 (100 rials) per month, plus \$52 (20 rials) for transportation and housing. Minimum wage regulations did not apply to a variety of occupations and businesses, including small businesses that employed fewer than five persons, the self-employed, domestic servants, dependent family members working for a family firm, and some categories of manual labor. The minimum wage was insufficient to provide a decent standard of living for a worker and family.

The private sector workweek was 40 to 45 hours and included a rest period from Thursday afternoon through Friday. Government workers have a 35-hour workweek. While the law does not designate the number of days in a workweek, it requires at least one 24-hour rest period per week and mandates overtime pay for hours in excess of 48 per week. Government regulations regarding hours of employment were not always enforced. Employees who worked extra hours without compensation could file a complaint with the LWB; however, the LWB rulings were not binding.

Every worker has the right to 15 days of annual leave during the first year of continual employment and 30 days per year thereafter.

The law states that an employee may remove himself from dangerous work without jeopardy to his continued employment if the employer was alerted to the danger and did not implement corrective measures. All employers were required by law to provide first aid facilities. Employees covered under the Labor Law could recover compensation for job-related injury or illness through employer-provided medical insurance. Inspectors from the Department of Health and Safety of the Directorate of Labor generally enforced the health and safety standard codes. As required by law, they made regular onsite inspections. Companies found guilty of withholding salaries were fined and prohibited from receiving commercial services, such as labor clearances. Such actions resulted in the immediate payment of salaries.

QATAR

Qatar is a monarchy governed by the ruling al-Thani family through Emir Sheikh Hamad bin Khalifa al-Thani, who deposed his father in 1995. The population is approximately 800 thousand, of whom approximately 200 thousand are citizens. The emir exercises full executive power based on the influence of religious law, consultation with citizens, and rule by consensus. Shari'a (Islamic law) is the main source of legislation, and the emir generally legislates after consultation with leading citizens, an arrangement institutionalized in the appointed 35-member Advisory Council (Majlis al-Shura) that assists the emir in formulating policy. The new constitution, which came into force on June 6, provides for continued hereditary rule by the emir's branch of the al-Thani family. The constitution provides that, after elections, expected in 2007, the Advisory Council will possess direct legislative power. In April 2003 citizens elected all 29 members of an advisory Central Municipal Council whose members serve a four-year term. While the elections were generally regarded as free and fair, only 30 percent of eligible voters participated. The civilian authorities generally maintained effective control of the security forces.

Although there were improvements in a few human rights areas, serious problems remained and new ones emerged. The following human rights problems were reported:

- restriction of right of citizens to peacefully change their government
- civil liberties: restricted freedoms of speech, press, assembly, and association
- limited freedom of religion
- government revocation of citizenship
- government corruption and lack of transparency
- legal discrimination against women
- trafficking in persons

- severely restricted worker rights

The new constitution contains human rights provisions, although their practical effect had not come fully into play since most provisions depended on implementing still-ongoing legislative and institutional changes. The new labor law, which came into effect on January 6, expands and protects some workers' rights for citizens; however, the law prohibits noncitizen workers from forming labor unions or associations, and it restricts the rights to bargain collectively and to strike. The government addressed one of its problems related to trafficking in persons by legislating a ban on underage camel jockeys, by repatriating approximately 200 underage jockeys, and by opening a shelter for trafficking victims.

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 the arbitrary or unlawful deprivation of life committed by the government or its agents.

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 there were no reports that government officials employed torture. However, the government administered most corporal punishment prescribed by its interpretation of Islamic law. Amputation was not allowed. Punishments were not administered publicly.

Prison and Detention Center Conditions.—Prison conditions generally met international standards. In previous years the government permitted visits by independent human rights observers; however, no foreign independent human rights observer or media group sought to conduct independent monitoring of prisons or general human rights conditions in the country during the year. The National Human Rights Committee conducted four visits to prisons and detention centers during the year.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions in practice; however, these rights were restricted by Law No. 17 implemented in 2002, which was used to “protect society.” In other cases, the government detained persons, who, after having been stripped of their nationality, lacked legal residence status in the country.

Role of the Police and Security Apparatus.—The Ministry of the Interior controls the police forces, which include the coast guard and border police, fire department, and immigration authorities. They generally were effective, and corruption and abuse of power were minimal. The civilian intelligence service, Qatari State Security, reported directly to the emir and performed internal security investigations, gathered intelligence, and had primary responsibility for sedition and espionage cases.

Arrest and Detention.—In practice suspects are charged within 48 hours and must appear before a judge within 4 days of their arrest. The judge may order the suspect released, remanded to custody to await trial, held in pretrial detention pending investigation, or released on bail. Judges may also extend pretrial detention for one week at a time to allow the authorities to conduct investigations. The accused is entitled to legal representation throughout the process. There were no provisions for state-funded legal counsel for indigents. Suspects who were detained in security cases generally were afforded access to counsel; however, they may be detained indefinitely while under investigation.

Law No. 17 is aimed specifically at the “protection of society” and provides official exemption from the prohibition of arbitrary arrest and detention and the code of criminal procedure. The law empowers the minister of interior to detain a defendant for crimes related to national security, honor, or impudence upon the recommendation of the director general of public security. Under this statute, the detention period can range from two weeks to six months. Moreover, that period can be extended up to two years at the discretion of Ministry of Interior officials. The prime minister adjudicates complaints against these detentions.

According to human rights officials, there were three cases of individuals arrested under Law No. 17 during the year. In addition, since June, nine men were held in detention at the central jail due to their nationality being revoked. They were released in September. Their legal status remained pending at year's end.

There were no reported cases of incommunicado detention by the government; however, 14 individuals were held in solitary confinement in relation to the March theatre bombing. By year's end they were released.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, although in practice it is dependent since all judges held their positions at the discretion of the government. As well, approximately half of the judges were foreign nationals dependent on residence permits granted by the civil authorities. The emir appoints all judges based on the recommendation of the Supreme Judiciary Council for renewable three-year terms.

The Adlea (civil law) courts and Shari'a courts were united under the Supreme Judiciary Council in 2003, although there is not a single codified body of law. Since 2002, with the enactment of Law No. 10, general prosecutors have been independent from the authority of the Ministry of Interior. Although the prosecutors report to the emir, he does not interfere in their work.

The law provides for a three-tiered court system: the Courts of First Instance, Appeal, and Cassation. The three courts hear all cases and apply one law based on legal precedence and Shari'a interpretations. The Court of Appeal hears appeals of decisions from the Court of First Instance. The Court of Cassation is the court of final appeal. It comprises of two wings, civil and criminal, with a five-judge panel chaired by a president or deputy.

Trial Procedures.—Criminal cases normally were tried within two to three months after suspects were detained. Suspects are entitled to bail, except in cases of violent crime. Foreigners charged with minor crimes can be released to a citizen sponsor, although they are prohibited from departing the country until the case is resolved. Defendants in the civil courts have the right to legal representation. Trials in criminal cases are public and juries are used. Defendants have the right to be present and the right of appeal. Their attorneys have access to government-held evidence relevant to their cases.

Both Muslim and non-Muslim litigants are tried under the unified court system. Court trials are public, but the presiding judge can close the courtroom to the public if the case is deemed sensitive. Lawyers prepare litigants and speak for them during the hearing. Non-Arabic speakers are provided with interpreters. Defendants are entitled to legal representation throughout the trial and pretrial process. In matters involving religious issues, Shi'a and Sunni judges may apply their own interpretations. There is an adequate number of both Shi'a and Sunni judges to accommodate their population and their population respects their decisions.

Political Prisoners.—Approximately 27 individuals involved and convicted in the 1996 attempted counter-coup remained in prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice. Traditional attitudes of respect for the sanctity of the home and the privacy of women provided protection against arbitrary intrusion for both citizens and noncitizens. Judicial authorities must grant warrants before police may search a residence or business, except in cases involving national security or emergencies. There were no reports of unauthorized searches of homes during the year. The police and security forces were believed to monitor the telephone calls and emails of suspected criminals, of those considered to be security risks, and of selected foreigners.

Citizens must obtain government permission to marry foreigners and to apply for residence permits or citizenship for their spouses. Such permission generally was granted for male citizens. Legally, female citizens were not able to provide citizenship for their husbands.

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 restricted these rights in practice. In addition, journalists continued to self-censor due to social and political pressures when reporting on government policies, the ruling family, and relations with neighboring states.

Although citizens expressed many of their views freely and in public, they avoided discussing sensitive political and religious issues. The much larger foreign population did not express itself as freely or as publicly. During the year the government supported a series of public debates, called the "Doha Debates," addressing political issues of the day, such as separation of mosque and state and regional democratic reform. The government did not prosecute anyone for the expression of views considered offensive.

The five daily newspapers are not state-owned; however, the owners are members of the ruling family or have close ties to government officials. Copies of foreign newspapers and magazines were censored for political and explicit sexual content.

The censorship office in the Qatar Radio and Television Corporation censored materials for pornography and material deemed hostile to Islam, reports on govern-

ment policies, and the ruling family. There were no reports of political censorship of foreign print or broadcast news media or foreign programs.

Customs officials screened and censored imported print and electronic media for items on government policies, pornography, materials deemed hostile to Islam, and the ruling family, but officials no longer blocked the personal importation of non-Islamic religious items (see section 2.c.). The law provides for criminal penalties and jail sentences for libel. All cases involving the media fall under the jurisdiction of the criminal courts.

State-owned television and radio reflected government views. Doha-based Al-Jazeera Satellite Channel focused on coverage and commentary on international news topics. Al-Jazeera and the government both claimed the channel to be independent and free of government influence, but it was government subsidized and avoided critical commentary of government policies. On domestic issues, Al-Jazeera covered local news generally only if there was an international angle to it. Callers to a popular morning show on the state-owned radio frequently discussed topics such as government inefficiency and the lack of responsiveness by various ministries to citizens' needs, such as poor schools and roads, failure to deliver adequate water and sewage services, and problems with the health care system.

The government censored the Internet for religious, political, and pornographic content through a proxy server, which blocked websites containing certain key words and phrases. A user who believed that a site was censored mistakenly could submit the web address to have the site reviewed for suitability.

The law provides for freedom of opinion and scientific research; however, there was no tradition of academic freedom, and instructors at the University of Qatar exercised self-censorship.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—Law No. 18 of 2004 provides for and regulates freedom of assembly; however, a permit is required for such public gatherings. A number of restrictions and conditions must be met in order to acquire a permit, one of which is the permission of the public security director general, whose decision is immune to appeal. The government generally did not allow political demonstrations and there were none during the year. However, a peaceful demonstration following the March theatre bombing was allowed to take place.

Freedom of Association.—Law No. 12 of 2004 regulates the right to form private societies and professional associations, and the government severely limited this right in practice. The law allows for the participation of noncitizens in private societies only in cases where their participation is deemed necessary to the work of the society. However, the prime minister must approve their participation, and their number cannot exceed 20 percent of the total membership. Law No. 12 also imposes strict conditions for the establishment, management, and function of these societies and associations. They are prohibited from engaging in political matters and must get approval from the Ministry of Civil Service Affairs and Housing, which can deny their establishment if deemed a threat to the public interest. Also, in the case of professional societies, they must pay approximately \$14 thousand (50,960 riyals) in licensing fees and \$2,700 (9,828 riyals) in annual fees and their permits are valid for only a 3-year period, after which time they must renew their license and again pay the same fees. Since the enactment of Law No. 12, 19 requests to form new associations were submitted to the ministry. Three requests were approved to form a bar association, the Gulf Studies Center, and the Japan-Qatar Friendship Association. The rest were either under revision or has been sent for cabinet approval.

The regulations also prohibit international affiliation of associations.

The government did not allow political parties or international professional organizations critical of the government or of any other Arab government. Security forces monitored the activities of such groups.

c. Freedom of Religion.—The constitution provides for freedom of worship in accordance with the law and the requirements of protecting the public order and morality; however, the government continued to prohibit proselytizing of Muslims by non-Muslims and placed some restrictions on public worship. Of the non-Muslim religions, the government permitted only Christians to rent space to hold their services publicly. However, adherents of other faiths may privately practice their religion without harassment.

The state religion is Islam, as interpreted by the conservative Wahhabi order of Sunni Islam. Both Sunni and Shi'a Muslims practiced Islam freely. Shi'a Muslims organized traditional Shi'a ceremonies and performed rites such as self-flagellation in their own mosques. Shi'a Muslims were permitted to build and decorate Shi'a mosques without restrictions.

The government and the ruling family are linked inextricably to Islamic institutions and practices. The Ministry of Islamic Affairs administers the construction of mosques, clerical affairs, and Islamic education for adults and new converts. The Ministry of Education administers Islamic Education in the public schools. The emir participated in public prayers during both Eid holiday periods and personally financed the Hajj journeys of poor pilgrims.

Shi'a Muslims were well represented in the bureaucracy and business community. The government has given legal status to Catholic, Anglican, Orthodox, Coptic, and many Indian Christian denominations; other Christian congregations may request recognition. However, the government does not allow the building of any new places of worship without permission. The government provided congregations with registration numbers that allow them to open bank accounts and sponsor clergy for visas. In May representatives of Christian churches in the country signed an agreement with the government for a 50-year lease on a large tract of property on the outskirts of Doha on which they will erect six churches at their own expense. The property will include a Catholic church, an Anglican church that can also be used by other Protestant denominations, a church to serve 34 Indian Christian denominations, a church for the small but influential Coptic community, and a site for two Orthodox churches, one Greek and one Eastern Rite. In December the foundation stone for the Catholic church was laid.

Converting from Islam was considered apostasy and was technically a capital offense; however, since 1971 there have been no records of prosecution for such a crime or known citizen converts.

The government regulated the publication, importation, and distribution of non-Islamic religious literature; however, individuals were allowed to import Bibles and other religious items for personal use. Government officials only monitored Islamic religious literature and copies of the Koran. Religious materials for use at Christmas and Easter were available readily in local shops. However, Bibles were not available in Arabic.

Islamic instruction was compulsory in public schools. While there were no restrictions on non-Muslims providing private religious instruction for children, most foreign children attended secular private schools. There are no religious private schools.

Societal Abuses and Discrimination.—The size of the Jewish community is nominal; many Jews have different nationalities and do not declare their religious affiliation. There were no acts of physical violence against or harassment of Jewish persons; however, on occasions responding to political events and developments in the region, privately owned newspapers carried articles or cartoons with anti-Semitic content or critical of the government of Israel. There have not been any reports of anti-Semitism on the radio and television. Israelis living abroad have appeared on talk shows discussing issues related to the Arab-Israeli conflict.

On June 29 and 30 the Third Conference for Religious Dialogue took place in Doha. For the first time in the country, representatives from Christianity, Islam, and Judaism attended.

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 notable exceptions. There were no restrictions on internal travel, except around sensitive military and oil and industrial installations. In general women over age 30 did not require permission from male guardians to travel; however, men may prevent females and children under their guardianship from leaving the country by providing their names to immigration officers at ports of departure. Foreign women employed by the government must obtain official permission to travel abroad when requesting leave. The government did not allow noncitizen custodial parents to take their children out of the country without the permission of the citizen parent. Citizens critical of the government faced restrictions on their right to travel abroad.

The law prohibits forced exile of citizens. However, the government revoked the citizenship of as many as six thousand persons, principally from the Al-Ghuffran branch of the Al-Murra tribe, who the government claimed possessed Saudi citizenship. This policy created some "stateless" persons. Upon the revocation of their nationality, these individuals automatically lost their jobs, and they and their families were no longer eligible to receive government benefits. The government maintained that these individuals were holding dual citizenship, a status prohibited under law; however, diplomats pointed out that many other dual nationals in Qatar have not been affected. The government settled approximately one-third of these cases by ei-

ther restoring the citizenship of the affected individuals or by having them legally establish their nationality of origin.

The law provides that citizens have the right to return. Foreigners were subject to restrictions on entry and exit designed to control the size of the local labor force (see sections 6.c. and 6.d.). Foreign women who were married to citizens were granted residence permits and could apply for citizenship; however, they were required to relinquish their foreign citizenship.

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. Those attempting to enter the country illegally, including persons seeking asylum from nearby countries, were refused entry. Asylum seekers who were able to obtain local sponsorship or employment were allowed to enter and could remain as long as they were sponsored. In other cases, the government granted residence to individuals deemed political asylum seekers, such as the former ruler of Mauritania, an Algerian political activist, and a number of officials associated with the former Iraqi regime.

The government did not cooperate with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. There were no reports of the forced return of persons to a country where they feared persecution.

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

The constitution does not provide citizens the right to peacefully change their government. The constitution provides for hereditary rule by the emir's branch of the al-Thani family, and legislative authority to be vested in normal circumstances in an advisory council with 30 elected members and 15 members appointed by the emir. The influence of Bedouin tribal traditions was still strong, and the government did not permit political parties or opposition groups to organize.

Elections and Political Participation.—The emir exercises most executive powers, including appointment of cabinet members. In 2003 citizens elected all 29 members of the Central Municipal Council, which addresses local issues such as street repair, green space, trash collection, and public works projects. Its role is to advise the Minister of Municipal Affairs and Agriculture. The council does not have the authority to change policy. The elections were generally regarded as free and fair, although only 30 percent of eligible voters participated.

Influence of traditional attitudes and roles continued to limit women's participation in politics; however, there were a number of women serving in public office: Sheikha bint Ahmed al-Mahmoud as Minister for Education; Sheikha Aisha bint Khalifa al-Thani, member of the ruling family, is president of the Election Committee; and Sheikha Ghalia bint Mohammad bin Hamad al-Thani, also a member of the ruling family, is Deputy Chairperson of the National Human Rights Commission and head of the General Authority for Health. There was also one woman serving on the Central Municipal Council. A woman is the president of the University of Qatar. The emir's sister is vice president of the Supreme Council for Family Affairs and also has the rank of minister.

Government Corruption and Transparency.—In April three ministerial-level officials were removed from their positions following a scandal related to stock purchases. The scandal involved fraudulently using Qatari identities to buy extra shares of Qatar Gas Transport Company than the official allocation allowed. The three dismissed officials used up to \$500 million (1.82 billion riyals) in loans from various local and regional sources to finance the stock purchases. In October two senior corporate executives were convicted on charges of insider trading in the Doha Stock Exchange. One of the executives convicted is an uncle to the emir's wife and was serving his sentence. In another case, a ranking member of the ruling family, the former chairman of the National Council for Culture, Arts and Heritage was indicted in April for illegal trading and embezzlement.

The law does not provide public access to government information, and little was readily available, particularly statistical data. The government publishes its laws in the official gazette; however, it does not facilitate access to certain economic statistics, demographical data, judicial decisions, or draft legislation being analyzed or considered by the government or advisory council. At their discretion, government officials shared draft legislation with selected industry representatives for comment. The Ministry of Economy and Commerce and the Central Bank provided published materials on laws and procedures for the public, but these efforts were not con-

sistent throughout the government. Individuals and private institutions could request this information from the ministries and the planning council.

The lack of clarity in government procurement, such as the conditions and criteria of the tender, proper notification or explanation concerning bidders' qualifications, remained an issue of concern.

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

Law No. 12, enacted in November 2004, provides for the right to form private independent societies and associations; however, since the law was enacted, no applications have been submitted to establish an independent human rights organization. The National Human Rights Committee (NHRC), established in May 2002, was composed of members of both government ministries and civil society to investigate and improve local human rights conditions. The NHRC held numerous training workshops for government officials, media representatives and university students. Participants included those from the Ministry of Interior, Ministry of Defense, State Security Organization, Public Prosecution, courts, Qatar University, and Al-Jazeera. The NHRC also successfully helped three Arab expatriates to be released from jail. During the year the NHRC visited prisons four times to investigate conditions and issued recommendations to the Ministerial Council. Upon request, the government permitted international governmental organizations to visit the country; however, no such requests were reported during the year.

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

The constitution prohibits discrimination based on nationality, race, language, religion, and disability, but legal, cultural, and institutional discrimination existed based on gender.

Women.—According to a local quasi-governmental organization on family issues, domestic violence against women occurred. A total of 318 cases of domestic abuse against women were reported during the year; however, there were no publicized arrests or convictions for domestic violence. The maximum penalty for rape is death. Shari'a provides no punishment for spousal rape.

Foreign domestic servants experienced sexual harassment and maltreatment; however, most domestic servants did not press charges for fear of losing their jobs (see section 6.e.).

The legal system allows leniency for a man found guilty of committing a "crime of honor" or a violent assault against a woman for perceived immodesty or defiant behavior; however, none was reported during the year. Prostitution is illegal and is not considered a widespread problem. Government officials reported 13 cases before the courts. Sexual harassment is also illegal and carries penalties of imprisonment and/or fines. In the eight reported cases, there were five convictions, and the three were still pending at year's end.

Traditions and the interpretation of Shari'a restricted activities of women. The government adhered to an interpretation of Shari'a that recognizes that Muslims have the automatic right to inherit from their Muslim spouses; however, non-Muslim spouses (invariably wives, since Muslim women cannot legally marry non-Muslims) do not inherit unless their spouse formally wills them a portion (up to one-third of the total) of their estates. A Muslim husband similarly does not automatically inherit the property of a non-Muslim wife. Muslim wives have the right to inherit from their husbands. Women may inherit more or less than other male family members depending on their relation to the deceased; however, in the cases of siblings, sisters inherit only one-half as much as their brothers. In cases of divorce, young children usually remain with the mother, regardless of her religion, unless she is found to be unfit. Interpretations of Shari'a stipulate that girls remain with their mother until the age of 16 and 14 for boys. The tendency is to allow girls to remain with their mothers until marriage, and there is greater flexibility for boys.

Women may attend judicial court proceedings but generally were represented by a male relative; however, women may represent themselves. The testimony of two women equals that of one man, but the courts routinely interpreted this on a case-by-case basis. A non-Muslim woman is not required to convert to Islam upon marriage to a Muslim, but many make a personal decision to do so. A noncitizen woman is not required to become a citizen upon marriage to a citizen. Children born to a Muslim father are considered to be Muslim.

Women made up 14 percent of the overall workforce and 30 percent of the local national workforce, serving as university professors, public school teachers, and police. Women served as professionals in government service, education, health, and private business. Women appeared to receive equal pay for equal work; however,

they often did not receive equal allowances, which generally covered transportation and housing costs.

Although women above age 30 were legally able to travel abroad alone (see section 2.d.), tradition and social pressures caused most women to travel with male escorts.

The Supreme Council for Family Affairs, a government department, seeks to improve the status of women and the family under both civil and Islamic law. The council contributed to a number of national and international conferences, studies, and reports on the status of women in the country. Since the establishment of the Supreme Council, the status of women has improved and women's issues were accorded due importance. Unlike previously, women had input on the contents and provisions of laws that affect them and their children. The council played an integral role in the drafting of legislation affecting women and children. Women were being empowered to tackle issues once considered taboo, such as violence. In November the Supreme Council held a two-day seminar on violence against women in conjunction with the UN International Day for the Elimination of Violence Against Women. The seminar focused on ways to fight violence against women, ensure the safety of victims, and provide legal mechanisms to address such cases.

The Supreme Council established five organizations that deal with women and children issues: the Qatar Foundation for the Protection of Women and Children, the Family Consulting Center, the Motherhood and Childhood Cultural Center, the Orphans Care Center, and the Qatar Society for Senior Citizens Care. The Qatar Foundation for the Protection of Women and Children handled more than 300 cases involving women and children. The foundation successfully resolved 90 percent of these cases to the satisfaction of the complainant. Cases were either referred to the courts or other agencies, and where appropriate, counseling and additional support were provided.

Children.—The government is committed to the welfare of citizen children. The government provided for a well-funded, free public education system (elementary through university) and a complete medical protection program. Education was compulsory for citizen children through the age of 15 and was free through primary school (the equivalent of ninth grade) for all citizen children and for noncitizen children whose parents worked in the government sector. Based on 2004 figures from the Planning Council, approximately 60 percent of school-age children attended school, and most children completed primary school. Medical coverage for noncitizen children was limited. The lack of primary educational and medical services to noncitizen children caused hardship for a substantial part of the expatriate population living in the country.

There was no societal pattern of child labor or abuse of children, apart from the trafficked, juvenile camel jockeys (see section 5, Trafficking).

The Qatar Foundation for the Protection of Women and Children of the Supreme Council for Family Affairs maintained a children's hot line called the Friendly Line for use by children and conducted numerous awareness campaigns on the rights of the child. The system allowed both citizen and noncitizen children to call with questions and concerns ranging from school, health, and psychological problems to concerns about sexual harassment.

Trafficking in Persons.—Young boys were trafficked into the country to serve as jockeys in camel races early in the year. However, on July 28, Law No. 22, banning the transport, employment, training, and involvement of children under the age of 18 in camel races, came into force. According to Article 4, anyone who violates the law faces 3 to 10 years imprisonment and a fine ranging between \$13,000 (47,320 riyals) and \$55,000 (200,200 riyals).

Between the months of June and August, the government repatriated approximately 200 children jockeys to Sudan. According to officials at the Embassy of Sudan, no Sudanese camel jockeys remained in the country. The Qatar Charitable Society, in coordination with the Sudanese-based National Council for Childhood Care and the Qatari Embassy in Khartoum, will administer the government's program to rehabilitate and integrate the repatriated camel jockeys.

In July a human rights department was established in the Ministry of Interior to receive and process victims of human rights abuses and trafficking in persons. The director of the department was named as the national coordinator for trafficking problems. Three hot lines have also been established for victims of trafficking in persons.

In September the government opened a shelter for trafficking victims to serve the needs of abused domestic workers, other laborers and children. The shelter was in a small housing compound and consisted of fully furnished three-bedroom villas, with two villas each for men, women and children. Each villa could accommodate between six to seven people. The administrative building houses a health clinic with

a medical doctor working on site. The shelter was under the management of the national trafficking in persons coordinator.

In addition to the law banning underage camel jockeys, traffickers can also be prosecuted under the Penalty Law of 2004, which bans forced or coerced labor. Those caught breaking the law may receive six months' imprisonment or a fine of approximately \$825 (3,003 riyals). In cases involving the employment of minors, the punishment is three years imprisonment or a fine of approximately \$2,700 (9,828 riyals).

Men and women were trafficked into situations of coerced labor. Legislation guiding the sponsorship of expatriate labors has created conditions constituting forced labor or slavery.

Under Law No. 3 of 1984, expatriate laborers were not allowed to leave the country without a signed exit sponsorship or change employment without a written release from their sponsor. The dependence of foreign laborers on their employer for residency rights, plus the ability to change employment or travel, leaves them vulnerable to abuse. Some sponsors have used this power against their workers. They have withheld their consent to force foreign employees to work for longer periods, to avoid having to pay salary owed to the worker, and to extract money from the laborer. Some workers ended up in the deportation center due to their employers withholding their passports and failing to renew their work visas. Nepalese officials reported that 367 Nepalese workers have been held at the deportation center and have been awaiting repatriation for several months. The workers were apprehended by law enforcement officials because they had expired work visas.

The country also was a destination for women and girls who traveled to the country to work as domestic servants. Two embassies reported that a total of 600 of their nationals had been forced into domestic servitude and sexual exploitation.

Although the government has identified various agencies to implement antitrafficking reforms, it did not systematically monitor its antitrafficking efforts.

Persons with Disabilities.—Law No. 2 of 2004 requires the allocation of resources for persons with disabilities and prohibits discrimination against such persons. Among some of the rights and provisions mandated for persons with disabilities are: Rehabilitation, education, transportation, medical and social care, support services, access to public facilities, and employment. In the case of the latter, the law requires that 2 percent of all jobs in government agencies and public institutions be set aside for persons with disabilities. Also, private sector businesses employing a minimum of 25 persons were required to hire persons with disabilities. Employees who violated these employment provisions were subject to fines. According to government officials and the National Human Rights Committee, the law was strictly observed, and no complaints were made during the year. The Supreme Council for Family Affairs is charged with ensuring compliance with the rights and provisions mandated under Law No. 2.

National/Racial/Ethnic Minorities.—The government discriminated based on nationality in the areas of employment, education, housing, and health services. Noncitizens did not receive the same benefits as citizens. They were required to pay for residence permits, health care, electricity, water, and education (services that were provided free of charge to citizens). Noncitizens generally could not own property; however, Law 17 of 2004, regulates the right of usufruct and allows for ownership of property in only two designated areas. The largest nationality groups among noncitizens were Indian, Bangladeshi, Pakistani, and Nepalese nationals, and Arab nationals of other countries. In the private sector, many citizens of Iranian origin occupied some of the highest positions.

Other Societal Abuses and Discrimination.—Law No. 11 of 2004 prohibits sex between males. Penalties included life imprisonment for acts involving minors or mentally retarded persons, 7 years' imprisonment in cases involving consenting adults and 15 years' imprisonment in cases in which an individual is forced.

Section 6. Worker Rights

a. The Right of Association.—The new labor law enacted in January and subsequent regulations promulgated in May provide for the right of association for citizens over 18 years of age. Noncitizens were not eligible to form worker or general committees. Under the new labor law, labor associations or unions are defined as worker or general committees. Also, workers' committees can only be formed in private enterprises with more than 100 citizen workers. Foreign workers can only be members of joint labor-management committees. Those working in the government sector are prohibited from joining unions. Further, the new law and regulations permit only a single national trade union structure and forbid affiliation with groups outside the country.

b. The Right to Organize and Bargain Collectively.—Although no labor unions existed during the reporting period, under the new labor law, workers are granted the right to bargain collectively and to sign joint agreements, i.e., agreements reached between employer and worker regarding a work-related issue; however, that right is circumscribed by the government's control over the rules and procedures of the bargaining and agreement processes. Collective bargaining is not freely practiced, and there are no workers under collective bargaining contracts. The new law also grants workers the right to strike; however, the restrictive conditions imposed by the statute make the likelihood of striking extremely unlikely. Although the law constrains a worker's right to strike, expatriate workers staged a total of six strikes during the year as a means of seeking redress and improvement in their work situation from employers.

Government employees, domestic servants, and those in the public utility, health, and security services are prohibited from striking. However, they can seek permission to hold a public gathering under Law No. 18 of 2004. Employers set wages unilaterally without government involvement. Local courts handled disputes between workers and employers; however, foreign workers avoided drawing attention to problems with their employers for fear of repatriation. According to source country embassies and some migrant workers, the Labor Department was widely perceived to be objective within a narrow mandate when dealing with the nonpayment of wages. The Labor Department claimed that it resolved the vast majority of worker complaints amicably, with a very small percentage referred to the labor courts for judgment.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Penalty Law of 2004 prohibits forced or compulsory labor, including by children; however, foreign workers in some cases were employed under circumstances that constituted forced labor. More than three-quarters of the workforce were foreign workers who, dependent on a single employer for residency rights, were vulnerable to abuse. For example, employers must give consent before exit permits are issued to any foreign employee seeking to leave the country. Some employers temporarily withheld this consent to force foreign employees to work for longer periods than they wished. Unskilled workers and domestic servants were particularly vulnerable to nonpayment or late payment of wages. During the year compulsory labor by children occurred (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and compulsory labor by children, and the government generally enforced this prohibition with respect to citizen children; however, some child labor occurred. The new labor law raised the minimum age for employment to 16 years.

The law provides that minors between the ages of 16 and 18 can be employed with parental or guardian permission, and some children worked in small, family-owned businesses such as small markets or as office clerks. Minors may not work more than 6 hours a day or more than 36 hours a week. Employers must provide the Labor Department with the names and occupations of their minor employees and obtain permission from the Ministry of Education to hire a minor. The department may prohibit the employment of minors in jobs that are judged dangerous to the health, safety, or morals of minors. In the beginning of the year, very young children, usually of Sudanese background, were employed as jockeys in camel races (see section 5, Trafficking).

e. Acceptable Conditions of Work.—Although the law provides the emir with authority to set a minimum wage, he did not do so. The average wage of noncitizen workers did not provide a decent standard of living for a worker and family. According to Planning Council statistics, the average monthly wage in 2001 was \$795 (2,902 riyals). The law prescribes a 48-hour workweek with a 24-hour rest period, although most government offices followed a 36-hour workweek. Employees, who worked more than 48 hours per week, or 36 hours per week during the holy month of Ramadan, were entitled to overtime pay. Government offices and major private sector companies adhered to this law; however, it was not observed with respect to unskilled laborers and domestic and personal employees, the majority of whom were foreigners. Many such workers frequently worked 7 days per week, and more than 12 hours per day with few or no holidays, no overtime pay, and no effective way to redress grievances.

Some employers mistreated foreign domestic servants, predominantly those from South Asia, Indonesia and the Philippines. Some foreign embassies provided temporary shelter for 48 hours to their nationals who left their employers as a result of abuse or disputes before transferring the case to local government officials. According to source country embassies, the majority of cases were resolved amicably within 48 hours. Those not resolved within 48 hours were transferred to the Crimi-

nal Evidence and Investigation Department of the Ministry of Interior for a maximum of seven days. Cases not resolved within seven days were transferred to the court. The embassies of the Philippines and Indonesia combined received a total of 600 complaints from housemaids alleging mistreatment by their employers during the year. Complaints included sexual harassment, physical torture or torment, overwork, imprisonment, and maltreatment. Abused domestic servants usually did not press charges for fear of losing their jobs. According to Indonesian officials, a total of 553 Indonesian housemaids ran away from their sponsors during the year.

The government has enacted regulations regarding worker safety, but enforcement, which is the responsibility of the Ministry of Energy and Industry, the Ministry of Health, and the Labor Department, was lax due to insufficient training and lack of personnel. Diplomatic representatives conducted visits to labor camps and found the majority of unskilled foreign laborers living in cramped, dirty, and hazardous conditions, often without running water or electricity. A visit to a camp adjacent to a paper factory where five workers had died after exposure to toxic gases found other workers, four days later, still being exposed to the same poisonous gases.

The Department of Public Safety oversaw safety training and conditions, and the state-run petroleum company had its own safety standards and procedures. The regulations listed partial and permanent disabilities for which compensation may be awarded, some connected with handling chemicals and petroleum products or construction injuries. The law does not specifically set rates of payment and compensation. The government provided free medical treatment to workers who suffered work-related sickness or injuries. The law does not provide workers specifically the right to remove themselves from hazardous work conditions, and workers often hesitated to do so for fear of dismissal. The law provides any worker with the right to seek legal relief from onerous work conditions; however, pursuing such relief risked repatriation, and there were no reports of workers seeking such relief during the year.

Foreign workers may enter the country on a visitor's visa, but a sponsor is needed to convert a visitor's visa to a work visa, and the worker must have a sponsor's permission to depart the country. The government also fined individual sponsors and employers who severely violated residence and sponsorship laws by prohibiting them from importing labor until they rectified the situation. Employers mistreated some foreign domestic servants. Such mistreatment generally involved the nonpayment or late payment of wages; in some cases, it involved rape and physical abuse.

SAUDI ARABIA

Saudi Arabia is a monarchy ruled by the Al Saud family without elected representative institutions at the national level and with a 2004 population of approximately 26.7 million of which an estimated 7 million were foreign citizens. On August 1, King Abdullah bin Abd al-Aziz Al Saud ascended the throne upon the death of his half-brother, King Fahd bin Abd al-Aziz Al Saud. As the custodian of Islam's two holiest sites in Mecca and Medina, the government bases its legitimacy in governance according to its interpretation of Islamic law (Shari'a). The Basic Law sets out the system of government, rights of citizens, powers, and duties of the state, and provides that the Koran and the Traditions (*Sunna*) of the Prophet Muhammad serve as the country's constitution. The government generally maintained effective control over the security forces.

Human rights issues have not historically been the subject of public discourse but have become increasingly prominent during the year. The government's human rights record remained poor overall with continuing serious problems, despite some progress. The following human rights problems were reported:

- no right to change the government
- infliction of severe pain by judicially sanctioned corporal punishments
- beatings and other abuses
- arbitrary arrest
- incommunicado detention
- denial of fair public trials
- exemption from the rule of law for some individuals and lack of judicial independence
- political prisoners
- infringement of privacy rights

- significant restriction of civil liberties—freedoms of speech and press, assembly, association, and movement
- no religious freedom
- widespread perception of corruption
- lack of government transparency
- legal and societal discrimination against women, religious and other minorities
- strict limitations on worker rights.

For the first time since 1963, elections for governmental bodies occurred during the year. On February 10, March 3, and April 21, a male electorate chose 592 members, half of the seats, on 178 advisory municipal councils. Women were not permitted to vote or stand for office. On December 14, the king and crown prince appointed the other half of the council members. During the year public attention to human rights increased; unlike in previous years, human rights issues were discussed in the media. On September 12, the Council of Ministers approved the establishment of the Human Rights Commission, a specialized governmental entity, aimed at protecting and enhancing human rights as well as raising public awareness and ensuring the implementation of human rights in line with Shari'a rule.

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, the government executed persons for criminal offenses after closed trials, making it impossible to assess whether legal protections were applied (see section 1.e.). The country's highest court, the Supreme Judicial Council, is responsible for reviewing cases involving sentences of stoning, amputation, or death, and sentences can only be enforced pursuant to a royal decree issued by the king.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Basic Law prohibits torture and Shari'a prohibits judges from accepting confessions obtained under duress; however, authorities abused both citizens and foreigners. Ministry of Interior (MOI) officials were responsible for most incidents of abuse of prisoners, including beatings, whippings, and sleep deprivation. In addition, there were allegations of beatings with sticks and suspension from bars by handcuffs. There were allegations that these practices were used to force confessions from prisoners.

During the year the religious police (*Mutawwa'in*) harassed, abused, and detained citizens and foreigners of both sexes. These incidents were most common in the central region, including the capital, Riyadh, and less frequent in the eastern and western regions of the country.

The government sentenced criminals to punishment according to its interpretation of Shari'a. Corporal punishments provided by law included public execution by beheading, amputation, lashing, and other measures deemed appropriate by the judicial authorities, including potentially as eye-gouging.

By year's end, the press reported approximately 86 executions. Executions were for killings, narcotics-related offenses, rape, and armed robbery. The authorities punished repeated thievery and other repeated offenses by amputation of the right hand and left foot. The government also punished convicted persons by lashing. According to press reports, lashes were generally administered with a thin reed by a man who must hold a book under his arm to prevent him from lifting the arm too high. The strokes, delivered through a thin shirt, are not supposed to leave permanent damage, but to leave painful welts that bleed and bruise. Persons convicted of less serious offenses, such as alcohol-related offenses or being alone in the company of an unrelated person of the opposite sex sometimes were punished by lashing.

According to January 6 press reports, two young citizens, Barjis bin Faleh and Abdulrahman bin Haif, were sentenced to prison terms (12 years and 1,200 lashes and 2 years and 200 lashes) for orchestrating, filming with a camera phone and distributing a video on the Internet of a foreign driver sexually assaulting a 17-year-old girl. The driver was sentenced to 2 years and 600 lashes. The press reported on January 24 that a 12-year-old Bangladeshi boy was arrested for pickpocketing pilgrims and lashed 80 times after conviction by an ad hoc court in Mina.

After arrest at a private party in Jeddah on March 10, more than one hundred men were convicted and sentenced after closed trials for "dancing and behaving like

women." More than 70 men were sentenced to one year's imprisonment. Thirty one men received sentences ranging from six months to one year and 200 lashes for each. Four men were sentenced to two year's imprisonment and two thousand lashes each, according to the NGO Human Rights Watch (HRW).

On November 14, a court in Qassim Province ordered 750 lashes, as well as a prison sentence of 40 months and a ban from teaching for Muhammad al-Harbi, a high school chemistry teacher, reportedly after accusations of "trying to sow doubt in a student's creed" by speaking positively about his views on Christianity, Judaism, and analyzing the causes of terrorism (see sections 1.e. and 2.a.). There was domestic as well as international media attention to the case and the sentences were not carried out because the king pardoned al-Harbi in December.

In a similar case in 2001, Muhammad al-Suhaimi, a teacher in an intermediate school, was suspended from teaching and was told not to talk to the media after reportedly engaging in a discussion with students about love in relation to marriages in the country and in relation to God. Authorities accused him of encouraging students to engage in homosexuality and to commit adultery. In a subsequent trial in 2001, al-Suhaimi was sentenced to three years in prison and 300 lashes, but appealed the conviction. He began serving his sentence during the year and served two weeks in prison before receiving a pardon from King Abdullah on December 8.

At year's end the case Puthan Veetil 'Abdul Latif Noushad, an Indian citizen was still under review under review in the appeals court in Riyadh. In 2003 the greater Shari'a Court of Damman sentenced him to have his right eye gouged out in punishment for his role in a fight which injured a Saudi citizen. Noushad was sentenced to prison for three years.

Following a December 16, 2004 political demonstration, 15 demonstrators were sentenced to between 100 and 250 lashes.

The government reserved its position on Article 20 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and does not recognize the jurisdiction of the Committee against Torture to investigate allegations of systematic torture.

Prison and Detention Center Conditions.—Conditions at prisons and detention centers were generally acceptable, according to international standards. However, there were some prisons with below-acceptable standards in hygiene, food, medical, and social services, and prolonged detention of prisoners in poor health. Many jails remained overcrowded, and some detainees were allowed family visits only after a significant period of time after their initial incarceration. The authorities restricted access of foreign visitors to the prisons, 80 percent of whose inmates were non-Saudis, according to HRW. The government-patronized NSHR published a report in December 2004, including information on its prison visits.

d. Arbitrary Arrest or Detention.—The Basic Law prohibits arbitrary arrest and detention and limits the period of arrest to five days without charges being filed; however, ambiguities in implementation of the law and lack of due process give the minister of interior broad powers to detain persons indefinitely. In practice, persons were held weeks or months and sometimes longer.

Role of the Police and Security Apparatus.—King Abdullah remained in command of the National Guard. Crown Prince Sultan remained the minister of defense and aviation with responsibility for all armed forces of the Ministry of Defense and Aviation. The minister of interior, Prince Nayif, exercised control over government internal security forces: police and border forces, and the General Directorate of Investigation (GDI), its internal security service (*Mabahith*), and its own special forces. The religious police (*Mutawwa'in*) or the Committee for the Promotion of Virtue and Prevention of Vice constitute a semiautonomous agency, reporting to the king via the Royal Diwan (the king's private office). They monitor public behavior to enforce strict adherence to conservative Islamic norms.

Arrest and Detention.—The law prohibits arbitrary arrest and detention and limits the period of arrest to 5 days without charges being filed; however, in practice, persons were held weeks, months and sometimes longer, and the law gives the minister of interior broad powers to detain persons indefinitely.

At times the authorities arrested and detained persons without following explicit legal guidelines. The religious police intimidated, harassed and brought to police stations, persons whom they accused based on their own religious interpretations of committing "crimes of vice" including arrests for witchcraft and sorcery (see section 2.c.).

The regulations provide for bail for less serious crimes, although authorities at times released detainees on the recognizance of a patron or sponsoring employer without payment of bail. Throughout the country several Committees for Collection of Donations for Impoverished Prisoners raised funds to pay fines stemming from

traffic accidents and civil cases since prisoners remain in custody until the fines are paid, regardless of length of sentence.

If accused persons were not released, authorities typically detained them for an average of two months before sending the case to trial or, in the case of some foreigners, summarily deporting them. There were no established procedures providing detainees the right to inform their family of their arrest.

By royal decree, the religious police have the authority to detain persons for no more than 24 hours for violations of the strict standards of proper dress and behavior that they themselves determine; however, they often exceeded this limit before delivering detainees to the police (see section 1.f.).

The religious police generally complied with the requirement that a police officer accompany them at the time of an arrest; however, there were cases in which religious police detained persons without the presence of a police officer. During the year in the conservative Nejd region that includes Riyadh, reports continued of religious police accosting, abusing, arresting, and detaining persons alleged to have violated dress and behavior standards. There were also a number of reports of religious police in Mecca taking similar actions. The risk of harassment was substantial. The religious police detained young men for offenses that included eating in restaurants with young women not related to them, allegedly making lewd remarks to women in shopping malls, or walking in groups through family-only sections of shopping centers. Religious police detained women of many nationalities for actions such as riding in a taxi with a man who was not their relative, appearing with their heads uncovered in shopping malls, and eating in restaurants with males who were not their relatives. Many such prisoners were held for days, sometimes weeks, without officials notifying their families or, in the case of noncitizens, their embassies.

There continued to be cases in which religious police arrested and detained Christians for practicing their faith; some were charged with holding services in their homes, while others were apparently arrested arbitrarily (see section 2.c.).

The authorities may detain without charge persons who publicly criticize the government, or may charge them with attempting to destabilize the government (see sections 2.a. and 3).

Political detainees arrested by the internal security service were held incommunicado in special prisons during the initial phase of an investigation. This period may last weeks or months under the MOI's broad legal authority. Access by families or lawyers to detainees was restricted.

Political protestors arrested and detained in December 2004 were held for weeks prior to being charged. Islamist dissident Shaykh Sa'eed bin Za'er remained in jail without charge from April 19, 2004 until his pardon on August 8.

The government continued to discriminate and commit abuses against members of the Shi'a Muslim minority. Government security forces, mostly religious police, reportedly arrested Shi'a based on scant suspicion, held them in custody for lengthy periods, and then released them without explanation.

Citizens can report abuses by security forces at any police station; however, there is no information publicly available on how complaints were handled.

Amnesty.—The government continued its tradition of releasing prisoners on special occasions and during Ramadan and religious holy days. On August 8, the king pardoned Islamist dissident Shaykh Sa'eed bin Za'er and three jailed political dissidents who advocated constitutional reform and their lawyer (see sections 1.e., 2.a., and 2.d.). King Abdullah also pardoned five Libyans who had plotted to assassinate him when he was crown prince and, during Ramadan, thousands of prisoners held for petty crimes.

e. Denial of Fair Public Trial.—The Basic Law provides for an independent judiciary, and the judiciary usually decided cases on their merits; however, members of the royal family were not required to appear before the courts, and their associates have influenced judges. The Supreme Judicial Council, whose members are appointed by the king, appoints, transfers, and removes judges. The Ministry of Justice disciplines judges. The Basic Law allows for a public trial; however most trials were closed to the public.

The legal system is based on the government's interpretation of Islamic law in all courts. Courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance. Their jurisdiction extends to non-Muslims for crimes committed in the country. Cases involving relatively small penalties were tried in summary courts. More serious crimes are adjudicated in courts of common pleas from which appeals may be made to the courts of appeal.

Other civil proceedings, such as those involving claims against the government and enforcement of foreign judgments, were held before various specialized administrative tribunals including the Commission for the Settlement of Labor Disputes.

The Board of Grievances hears complaints against government actions, including against the religious police. Plaintiffs have won their cases in these tribunals against government actions and been able to enforce foreign judgments.

On April 3, the late King Fahd issued a royal decree endorsing a reorganization plan for the judiciary proposed by the ministerial committee for administrative reforms. During the year the government was implementing the plan under which Shari'a remains the basis for the judicial system.

The government permitted Shi'a Muslims to use their own legal tradition to adjudicate cases involving domestic issues, inheritance, and Islamic endowments. However, there were only two judges. The two courts, one in Al-Hasa and the other in Qatif, handled cases of Shi'a family law. However, these courts did not have adequate resources to serve the large Shi'a population in the Eastern Province, and either party to a dispute can appeal the Shi'a court's decision to a Shari'a (Sunni) court based on the Hanbali school of jurisprudence.

There was no comparable right for non-Muslims or foreigners, whose cases were handled in Shari'a courts.

The military justice system has jurisdiction over uniformed personnel and civil servants who are charged with violations of military regulations. The minister of defense and aviation and the king review the decisions of courts-martial.

According to the Justice Ministry, judges are free to base their decisions on any of the four Sunni schools of jurisprudence, although in practice judges usually follow the Hanbali school.

The Supreme Judicial Council may not reverse decisions made by courts of appeal; however, the Council may review lower-court decisions and refer them back to the lower court for reconsideration.

The Council of Senior Religious Scholars (*Ulema*) is an autonomous advisory body of 20 senior religious jurists, including the minister of justice, which interprets Shari'a establishing the legal principles to guide lower-court judges.

Trial Procedures.—The Criminal Procedure Law provides persons under investigation the right to a lawyer and permits lawyers to present arguments in criminal courts. The Law also provides the right to inform convicts of their right to appeal rulings.

A woman's testimony does not carry the same weight as that of a man. In a Shari'a court, the testimony of one man equals that of two women. Under the Hanbali interpretation of Shari'a followed in the kingdom, judges may discount the testimony of persons who are not practicing Muslims or who do not adhere to Hanbali doctrine. Legal sources reported that testimony by Shi'a was often ignored in courts of law or was deemed to have less weight than testimony by Sunnis.

Female parties to court proceedings such as divorce and family law cases generally had to deputize male relatives to speak on their behalf. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge were almost always required for criminal conviction—a situation that has led prosecuting authorities to coerce confessions from suspects by threats and abuse (see section 1.c.).

Laws and regulations state that defendants should be treated equally; however, sentencing was not uniform and crimes against Muslims received harsher penalties than those against non-Muslims. In the case of wrongful death, the amount of indemnity or "blood money" awarded to relatives varied with the nationality, religion, age, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran.

Islamic law considers Hindus to be polytheists and on this basis justify discrimination in calculating accidental death or injury compensation. According to the country's Hanbali interpretation of Shari'a, once fault is determined by a court, a Muslim male receives 100 percent of the amount of compensation determined, a Jew or Christian male receives 50 percent, and all others receive $\frac{1}{16}$ of the amount a male Muslim receives. Women receive 50 percent of what men receive in each of these categories.

Provincial governors (all of whom were members of the royal family during the year) have authority to reduce a sentence. In court cases between two individuals, the wronged party has the right to accept money or impose no punishment instead of the punishment decreed by the judge. In general, members of the royal family and other powerful families were not subject to the same rule of law as ordinary citizens.

The king and his advisors review cases involving capital punishment. The king has the authority to commute death sentences and grant pardons, except for capital crimes committed against individuals. In such cases, he may request the victim's next of kin to pardon the killer—usually in return for compensation from the family of the convicted person or from the king.

Political Prisoners.—The government did not provide information regarding political prisoners or respond to inquiries about them. The government conducted closed trials for persons who may have been political prisoners and in other cases has detained persons incommunicado for long periods while under investigation.

On August 8, King Abdullah pardoned imprisoned political reformers and dissidents Abdullah al-Hamid, Matrouk al-Faleh, and Ali al-Demaini as well as their lead attorney, Abdul Rahman al-Lahem, who had been arrested on November 6, 2004, and held without charge. The political reformers had been imprisoned since March 2004. After a closed trial, they were convicted of “sowing dissent and disobeying the ruler,” for advocating peaceful democratic reform such as calling for a constitutional monarchy, planning to establish their own human rights organization, and protesting the composition of the board of the National Society for Human Rights (NSHR), which was funded by a donation by King Fahd. They were sentenced on May 15 to prison terms of between six and nine years. Their appeal had been denied in July (see section 2.a.).

Local human rights activists criticized the pardon because the political reformers were released without actual due process and open trials, meaning that the reformers were “unconditionally” pardoned rather than found “not guilty” and thus continued to be defined as convicted criminals. This could potentially have legal implications for them at a later date (see sections 1.d. and 2.d.). Sometimes pardoned persons’ passports have been confiscated and they also may experience difficulty securing employment.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Basic Law guarantees the inviolability of homes and the privacy of correspondence. The Criminal Procedure Law requires authorities to obtain a warrant prior to searching a residence, or a court order prior to perusing personal correspondence or documents. The government generally respected this inviolability; however, there were cases in which the government infringed on these rights, notably religious police raids on private residences. Royal decrees include provisions calling for the government to defend the home from unlawful intrusions, while laws and regulations prohibit officials from intercepting mail and electronic communications except when necessary during criminal investigations. The police generally must demonstrate reasonable cause and obtain permission from a provincial governor before searching a private home.

Despite these provisions, customs officials routinely opened mail and shipments to search for contraband, including material deemed pornographic and that appeared to be non-Sunni Islamic religious material. Customs officials arbitrarily confiscated or censored materials including Christian Bibles and religious videotapes (see section 2.c.). The authorities also opened mail and used informants and wiretaps in internal security and criminal matters. Informants and an informal system of ward bosses in some districts reported to the MOI “seditious ideas,” antigovernment activity, or “behavior contrary to Islam” in their neighborhoods.

The government enforced most social and Islamic religious norms, the government’s interpretations of which are matters of law (see section 5). Women may not marry noncitizens without government permission; men must obtain government permission to marry noncitizen women outside the six states of the Gulf Cooperation Council (GCC). In accordance with Shari’a, women are prohibited from marrying non-Muslims; men may marry Christians and Jews, as well as Muslims (see section 2.c.). The government does not refuse marriage licenses between Sunni and Shi’a couples; tradition and culture, not law, restrict marriages between Sunni and Shi’a citizens.

According to the law, men who work in certain government positions, such as the military, cannot marry noncitizens though in practice exceptions are made. The government subjects top civil servants and security officials applying to marry foreigners to extensive questioning. Due to certain cultural norms, the government tends to be more lenient when approving marriages of foreigners to elderly and disabled Saudis. The marital restrictions also applied to citizens studying overseas on government scholarships. Violators risked disciplinary action; however, this policy was frequently violated and there were no reports of sanctions being imposed.

While religious police practices and incidents of abuse varied widely in different regions of the country, they were most numerous in the central Nejd region. In certain areas, the religious police and religious vigilantes, acting on their own, harassed, abused, arrested, and detained citizens and foreigners (see section 1.d.).

Religious police enforcement of strict standards of social behavior included closing commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places designated for men, as well as preventing unaccompanied or single men from entering public places designated for families. Religious police frequently

reproached both citizen and foreign women for failure to observe strict dress codes, and arrested men and women found together who were not married or closely related.

Incidents involving the religious police increased during Ramadan because many religious police felt they had added license to assert their authority during the holy month.

The government blocked access to some Internet Web sites, claiming that these restrictions bar access to pornography. However, the government also blocked access to sites with religious and political material that the government considered offensive or sensitive.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—According to the Basic Law, the media’s role is to educate the masses and to promote national unity; however, media outlets can be banned if they give rise to mischief and discord, compromise the security of the state and its public image, or offend man’s dignity and rights. The government continued to restrict freedom of speech and press and censored articles that the government deemed negative towards it, the royal family or Islam. Authorities routinely censored foreign print sources. However, during the year, there was regular discussion in the media of social, economic, and political issues previously considered taboo such as reform, trafficking in persons, prostitution, homosexuality, the religious establishment, women’s rights, and human rights.

In March 2004, journalist Faris bin Hozam al-Harbi was banned from writing or working for any newspaper; however, he was a frequent commentator on television on the topic of security and was often quoted in the press. On November 6, 2004, the lead attorney for the arrested political reformers, Abdul Rahman al-Lahem, was arrested. He had signed an agreement with the government undertaking not to speak to the press about the case, but continued to give interviews, telling one journalist that he did not accept the government’s attempt to silence him. On August 8, the king pardoned al-Lahem with his political reformer clients (see section 1.e.).

The print media were censored and privately owned, but subsidized, and some were owned, financially backed by, or had other close ties to members of the royal family. Journalists also practiced self-censorship, refraining from direct criticism of government officials. A media policy statement and a national security law both prohibit the dissemination of criticism of the royal family and the government. The government media policy statement urged journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Ministry of Information appoints, and may remove, all editors in chief. The government also provided guidelines to newspapers regarding controversial issues. The government-owned Saudi Press Agency expressed official government views.

The Saudi Journalist Association was founded in 2004 under a charter granted by the government in 2003. Membership is voluntary and open to both men and women. Some journalists chose not to join. Non-Saudi journalists working in the kingdom were eligible to join as nonvoting members. The organization’s board of directors, which was elected on June 7, 2004, had nine members, including two women.

The authorities continued to ban government employees from criticizing the government. The government enforced existing laws based on Article 12 of the Basic Law that provides the state with the authority to “prevent anything that may lead to disunity, sedition, and separation.” Accordingly, all public employees are enjoined from “participating, directly or indirectly, in the preparation of any document, speech or petition, engaging in dialogue with local and foreign media, or participating in any meetings intended to oppose the State’s policies.”

Newspapers routinely investigated and published stories on crime and terrorism. Two London-based Arabic dailies, *Al-Sharq Al-Awsat* and *Al-Hayat*, continued to be owned by members of the royal family and were widely distributed and read in the country. Both newspapers practiced self-censorship.

The government owned and operated most domestic television and radio companies. Government censors removed any reference from foreign programs and songs to politics, religions other than Islam, pork or pigs, alcohol, and sex.

During the year, the Consultative Council (*Majlis al-Shura*) continued partial, delayed television coverage of its proceedings and allowed journalists to attend sessions. The December National Dialogue meeting on relations with Muslim minorities and non-Muslims was simultaneously broadcast throughout the kingdom (see sections 2.b. and 2.c.).

There were several million satellite-receiving dishes in the country, which provided citizens with foreign television programming. Access to outside sources of in-

formation, such as Arabic and Western satellite television channels and the Internet was widespread.

The government banned books, magazines, and other materials that it considered sexual or pornographic in nature. The Ministry of Information compiled and updated a list of publications that were prohibited from being sold in the country. The government censored most forms of public artistic expression and prohibited cinemas and public musical or theatrical performances, except those that were considered folkloric.

Access to the Internet was available through local government-monitored servers. There were as many as one million Internet subscribers. Some citizens circumvented controls by accessing the Internet through servers in other countries. The government attempted to block Web sites that it deemed sexual, pornographic, politically offensive, or “un-Islamic”; however, many citizens were able to circumvent some or most of these restrictions. The government did have an “appeal” process, through which citizens could request reconsideration of a decision to block a particular Web site and authorities reportedly at least partially unblocked some Web sites.

A Shi’a professor continued to face a travel ban for his 2003 criticisms of the government’s discriminatory policies against the Shi’a. There were other reports during the year that Shi’a activist writers and other public figures were banned from traveling and that the government had confiscated their passports.

The government continued to restrict academic freedom. The government prohibited the study of evolution, Freud, Marx, Western music, and Western philosophy. Some professors believed that informants monitored their classroom comments and reported them to government and religious authorities.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The Basic Law does not address freedom of assembly, and the government strictly limited it in practice and prohibited all public demonstrations.

In December 2004, police arrested 21 persons for taking part in an antigovernment protest in Jeddah. The protest was called by Saad al-Faqih, a London-based Saudi and supporter of international terrorism. At year’s end, the detainees were still awaiting trial (see sections 1.d. and 3).

Public meetings were usually segregated by sex. The authorities monitored any large nonfamily gathering, particularly if women were present. The religious police dispersed any large nonfamily groups found in public places, such as restaurants.

Freedom of Association.—The Basic Law does not address freedom of association, and the government strictly limited it in practice.

The government prohibited the establishment of political parties or any type of group that the government considered counter to its regime, or overstepping the bounds of criticism by challenging the king’s authority (see section 3).

From January 2003 until the arrest of political reformers in March 2004, reform supporters submitted a series of petitions to the government. Their recommendations covered reform, women’s rights, religious moderation, and political participation. In June 2003 the government instituted a series of “National Dialogue” discussions, to discuss issues involving religion, women, youth, extremism, and education. The fifth National Dialogue discussion took place in December, and dealt with relations with Muslim minorities and non-Muslims. The government also instituted a permanent National Dialogue Center in Riyadh. The government licensed a large number of humanitarian organizations and tribal and professional societies, such as the Saudi Chemists Society and the Saudi Pharmacists Society.

c. Freedom of Religion.—The government does not provide legal protection for freedom of religion, and such protection did not exist. Islam is the official religion, and Islamic law as interpreted by the government requires that all citizens be Muslims. Government leaders called for tolerance and moderation, and King Abdullah and other leaders made public pronouncements condemning religious extremism.

The government continued to prohibit the public practice of non-Muslim religions and put limits on religious practices of Shi’a and Sufi sects. In general, the government has stated that non-Muslims are able to worship privately, but have not offered clear guidelines as to what constitutes private worship. Conversion by a Muslim to another religion is considered apostasy. Apostasy is a crime under Shari’a and, according to the government’s interpretation, is punishable by death. In October 2004 a citizen, whom international NGO and local media reports claimed had converted to Christianity, was arrested in Hofuf and jailed. No further information was available at year’s end.

Citizens and especially foreigners widely believed in and sometimes practiced magic and superstition. However, under the government’s interpretation of Shari’a, the practice of magic was regarded as the worst form of polytheism, an offense for

which no repentance was accepted, and which was punishable by death. An unknown number of detainees were held in prison on the charge of “sorcery” or the alleged practice of “black magic” or witchcraft.

The practice of other schools of Sunni Islam was discouraged, and adherents of the Shi’a branch of Islam faced various forms of discrimination condoned by the government, including restrictions on religious practice and on the building of mosques and community centers (see also sections 1.e., 3, and 5).

The Shi’a Muslim minority, estimated to be between 10 and 15 percent of the citizen population, lived mostly in the Eastern Province, although a significant number also resided in Medina in the Western Province and in Najran in the southwest. Its members were subjected to officially sanctioned discrimination of various forms (see also sections 1.e., 3, and 5). Many Shi’a view the ultimate jurisdiction of Shari’a (Sunni) courts over intra-Shi’a family matters as impinging on their religious freedom (see section 1.e.).

An estimated 700 thousand Sulaimani Ismailis, a subset of Shi’a Islam, live in the country, primarily in Najran. Reportedly, at least 57 Sulaimani Ismailis are still in jail following rioting in Najran in 2000. Allegedly, the government discriminated against them by prohibiting them from having their own religious books, allowing religious leaders to declare them unbelievers, denying them government employment or restricting them to lower-level jobs, and relocating them from the Southwest to other parts of the country or encouraging them to emigrate.

Shi’a Ismailis (Seveners) in Najran reportedly were charged with practicing magic; however, the Shi’a Ismailis maintained that their practice adheres to the Seveners’ interpretation of Islam.

On September 17, the NGO Human Rights First Society (HRFS) reported that Ismailis in Najran paid allegiance to the king, but requested that the government provide equal employment opportunities for Ismailis and the release of the Najran prisoners. They also requested that those “exiled” from Najran after riots be allowed to return, and a university and a literary and cultural club be established in Najran to raise the level of education and awareness.

The government tolerated the celebration of the Shi’a holiday of Ashura and other minor Shi’a holidays in the eastern province city of Qatif. The police monitored the celebrations. No other public Ashura celebrations were allowed in the country, and many Shi’a traveled to Qatif or to Bahrain to participate in Ashura celebrations. The government continued to enforce other restrictions on the Shi’a community, such as banning Shi’a books. Shi’a were not allowed to teach religion to classes higher than the elementary grade level, and the government did not allow Shi’a to open private schools for girls.

There was discrimination in the availability of facilities for religious activities. The government issued permits to construct a few Shi’a mosques, such as a new and large mosque in Qatif, although the process was more cumbersome and took far longer for them than for Sunnis. The Shi’a have declined government offers to build state-supported mosques because the government would prohibit the incorporation and display of Shi’a motifs in any such mosques.

Significant numbers of Sufis in the Western Province engaged in technically illegal practices such as celebrating the Mawlid, or Prophet’s birthday, without government interference.

The government prohibited public non-Islamic religious activities. Non-Muslim worshippers risked arrest, lashing, deportation, and abuse for engaging in overt religious activity that attracted official attention. Though private worship by non-Muslims was ostensibly allowed, the government did not provide explicit guidelines (such as the number of persons permitted to attend and acceptable locations) for determining what constitutes private worship. Such lack of clarity, as well as instances of arbitrary enforcement by the authorities, forced most non-Muslims to worship in a manner so as to avoid discovery by the government or others. Authorities deported those detained for non-Islamic worship, almost always after lengthy detention (see section 1.f.).

Christians were detained for practicing their religion. For example, the newspaper *Al-Jazeera* reported that 40 Pakistani citizens, including one Muslim, were arrested on April 12 after conducting Christian religious services in an apartment in Riyadh. However, during the year, there were fewer raids, arrests, and detentions of Christians throughout the country than in the past.

Unlike in previous years, there were no deportations of resident Christians for providing an Arabic Bible to a citizen. Also, unlike in previous years there were no reports of religious police arrests, beatings, and confiscations of property of Christians for religious reasons following a Christian’s dispute with a citizen employer.

The government did not officially permit non-Muslim clergy to enter the country for the purpose of conducting religious services, although some came under other

auspices. Such restrictions made it very difficult for most non-Muslims to maintain contact with clergymen and attend services. Catholics and Orthodox Christians, who require a priest on a regular basis to receive the sacraments required by their faith, were particularly affected.

Proselytizing by non-Muslims, including the distribution of non-Islamic religious materials such as Bibles, was illegal. Anyone publicly wearing any kind of religious symbols risked a confrontation with the religious police.

Under the Hanbali interpretation of Shari'a, judges may discount the testimony of persons who are not practicing Muslims or who do not adhere to "correct doctrine" (see section 1.e.). Islamic religious education was mandatory in public schools at all levels. All students received religious instruction, which generally was limited to that of the Hanbali school of Islam. In accordance with the religious establishment's interpretation of Shari'a, women were prohibited from marrying non-Muslims, but men were permitted to marry Christians and Jews, as well as Muslims (see section 1.f.).

The government required noncitizens to carry legal resident identity cards (*Iqamas*), which contained a religious designation for "Muslim" or "non-Muslim." There were reports that individual members of the religious police pressured sponsors not to renew employment-based legal resident identity cards of individuals based on religious affiliation.

During the holiday season, the press reported that shopkeepers in Riyadh sold Christmas cards under the counter. During the year the religious police prohibited the sale of cards and flowers for exchange on Valentine's Day.

Societal Abuses and Discrimination.—There were no public places of worship for non-Muslims in the country. While significant numbers of Christians reside in the country, there are very few Jews. There were no synagogues or churches in the country. While there have been no specific reports of physical violence against or harassment of Jewish persons, there were numerous reports of violence against and harassment of Christians, due to societal discrimination against foreigner workers coupled with religious discrimination. The majority of noncitizens in the kingdom were low-paid workers from developing countries (for example, the Philippines, India, and Ethiopia).

Although to a lesser extent than in the past, mosque preachers, whose salaries are paid by the government, frequently used strong anti-Israeli and anti-Semitic language in their sermons. There continued to be instances in which mosque speakers prayed for the death of Jews, including from the Grand Mosque in Mecca and the Prophet's Mosque in Medina.

Anti-Semitic editorial comment appeared in the print and electronic media. For example, references supporting the idea of "Jewish control over the world," and to the "Protocols of the Elders of Zion" appeared in the newspaper *Ar-Riyadh* on March 6. Cartoons typically used classic anti-Semitic imagery directed against the actions of Israel as a "Zionist" state, particularly in regard to treatment of Palestinians. Questions in the media were raised, at times whether modern Christians and Jews should be considered "people of the book" and thus due the respect required by the Koran. On December 16, according to an NGO, Shaykh Abdul al-Aziz Fawzan al-Fawzan, a professor of Islamic law at Al-Imam University, urged on Al-Majd television a nonracist, compassionate "hatred" toward infidels that would guide and reform them.

NGOs have reported on intolerance in the education system and, in particular that religious textbooks emphasized intolerance and hatred of all other religious traditions, especially Christianity and Judaism. Saudi officials claimed to have revised textbooks to remove content disparaging religions other than Islam. However, many recently published textbooks continued to contain language that was intolerant of Judaism, Christianity, and the Shi'a tradition in particular.

For a period of time in 2004, the Ministry of Tourism Web site contained a statement that Jews were banned from entering the country. However, no such ban was enforced in practice, and after this statement on the Web site was reported in the media, the government removed this language from the Web site and issued a statement denying that banning Jews was its policy.

On June 20, during a preparatory meeting for the December National Dialogue Forum in Abha in the Asir region, religious and intellectual leaders debated the relationships of Saudis with non-Saudis, and decided to replace in the country's religious and media pronouncements the word "infidel" with "other" when referring to non-Muslims or unbelievers.

King Abdullah, then the crown prince, began the National Dialogue initiative in 2003 in response to calls for real and practical reform in the kingdom. The December session was the culmination of 13 preparatory meetings held in the country between April and November where scholars and civil society members, both men and

women, discussed political reform, religious tolerance, and the role of women and youth in the country. The title of the Forum was "We and the Other: A National Vision for Dealing with World Cultures." Over 700 male and female scholars and intellectuals representing civil society and the government attended the event, which sought to find ways to deal with other world cultures. The National Dialogue Center presented the recommendations the Forum generated to the king for his consideration.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Male citizens have the freedom to travel within the country and abroad; however, the government restricted these rights for women based on its interpretation of Islamic Law. All women in the country were prohibited from driving and were dependent upon men for transportation. Likewise, they must obtain written permission from a male relative or guardian before the authorities allow them to travel abroad (see section 5). The requirement to obtain permission from a male relative or guardian applied also to foreign women married to citizens or to the minor and single adult daughters of citizen fathers. Since 2001 women have been able to obtain their own identity cards; however, the government required that they obtain permission to receive a card from a male relative or guardian (see section 5). In March the press reported that by 2006 it would be compulsory for every citizen woman to have her own identification card with a photograph, terminating the current practice of women carrying family cards only listing their names. Citizen women who have valid passports can obtain identity cards without needing verification from a male guardian; however, if a woman does not have a passport, she needs a male guardian to verify her identity (see section 5). During the year, the government continued to issue national identity cards to women, despite a national campaign against the practice by some religious conservatives.

The restrictions on travel also applied to dual nationality children of citizen fathers. In cases where there were custody disputes between foreign citizen women and their citizen husbands, the husband was legally able to prevent the travel of the children out of the country. These restrictions on travel can continue even after female children reach adulthood, although the government has worked with foreign consular officials to overcome a father's or husband's refusal to permit the travel of adult foreign citizen female relatives. During the year, senior officials considered, on a case-by-case basis, allowing adult foreign citizen women to travel despite objections by their husbands, fathers, or other male relatives or guardians. However, government officials took long periods of time to make such decisions, and caused additional burdens and security concerns to those individuals attempting to leave the kingdom.

Foreigners typically were allowed to reside or work in the country only under the sponsorship of a citizen or business. Media reports in October announced an easing of this restriction for businessmen.

The government required citizens and foreign residents to carry identification cards. It did not permit foreigners to change their workplace without their sponsor's permission.

During the year the government continued to provide citizenship under Article 9 of the law on naturalization to some of the thousands of native residents who live in the country without possessing citizenship of any nation.

Collectively known as "Bidoons" ("without" in Arabic), these are native-born residents who lack citizenship due to an ancestor's failure to obtain Saudi nationality, including descendants of nomadic tribes such as the Anaiza and Shammar, some of whose ancestors were not counted among the native tribes during the reign of the kingdom's founder, King Abdul al-Aziz; descendants of foreign-born fathers who emigrated to the country before citizenship was institutionalized; and rural migrants whose parents failed to register their births. Because of their lack of citizenship, they were denied employment and educational opportunities, and had a limited ability to travel. Bidoons are among the poorest residents of the country, and reside at the margins of society.

The Basic Law prohibits employers from retaining foreign workers' passports; however, in practice most sponsors reportedly often retained possession of foreign workers' passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors were involved in a commercial or labor dispute with foreign employees, they may ask the authorities to prohibit the employees from departing the country until the dispute is resolved. In some contract disputes, sponsors used this as a pressure tactic to resolve disputes in their favor by forcing employees to accept nominal amounts of the money owed to them or by having foreign employees deported (see sections 5 and 6.c.).

The government seized the passports of all potential suspects and witnesses in criminal cases and suspended the issuance of exit visas to them until the case was concluded. As a result, some foreign nationals were forced to remain in the country for lengthy periods against their will.

Citizens may emigrate. The government prohibited dual citizenship; however, children who hold other citizenship by virtue of birth abroad were permitted to leave the country using non-Saudi passports. In October the government passed a new citizenship law by which long-term residents and other foreigners could obtain citizenship.

The government did not use forced exile; however, it previously revoked the citizenship of opponents of the government who reside outside the country (see section 3).

The government imposed travel bans on some of the reformers arrested in March 2004 (see sections 1.d. and 1.e.). The authorities sometimes confiscated the passports of suspected oppositionists and their families. In addition, the government has revoked the rights of some citizens to travel outside the country. In several cases, it has done so for political reasons without notifying the individual or providing opportunities to contest the restriction decision.

Protection of Refugees.—The Basic 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 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 Basic Law provides that “the state will grant political asylum, if so required by the public interest.”

The UN High Commissioner for Refugees (UNHCR) Representative Office to the GCC countries reported that 364 Iraqi refugees still reside at the Rafha refugee camp situated a few miles from the Saudi-Iraqi border. The government has underwritten the entire cost of providing safe haven to the Iraqi refugees and continued to provide logistical and administrative support to the UNHCR. The UNHCR facilitated the spontaneous repatriation of 84 persons to Iraq from Rafha during the year and found no evidence of forcible repatriation. UNHCR has facilitated the spontaneous repatriation of more than eight thousand Iraqi refugees since 1991 (see section 1.c.). NGOs present in the camp included the Saudi Red Crescent and the International Islamic Relief Organization.

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

The Basic Law states that the government is established on the principal of *shura* or consultation, and requires the king and crown prince to hold open majlises. (A *majlis* is an open-door meeting held by the king, a prince, or an important national or local official where, in theory, any male citizen or foreign national may express an opinion or a grievance.) The Basic Law states that all individuals have the right to communicate with public authorities on any issue. This right to petition is interpreted by the government as a right to be exercised within traditional nonpublic means, i.e., not through the use of mass media. In practice, there were restrictions, as shown by the conviction of the three political reformers convicted of “sowing dissent and disobeying the ruler,” for overtly advocating democratic reform (see sections 1.e and 2.a.).

Elections and Political Participation.—Only a few members of the ruling family had a voice in the choice of leaders or in changing the political system. The government ruled on civil and religious matters within limitations established by the Basic Law, religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders. During the year for the first time since 1963, the government organized elections throughout the country for half of the seats on municipal advisory councils.

The king serves as prime minister and appoints his crown prince and who serves as deputy prime minister. The king also appoints all other ministers, who in turn appoint subordinate officials with cabinet concurrence.

Male, nonmilitary citizens 21 years of age or older voted in the nationwide elections for 592 seats on 178 municipal advisory councils (half of the total seats) in February, March, and April. Women were not permitted either to vote or to stand for office. Unofficial estimates are that between 10 percent and 15 percent of eligible voters actually voted. The king completed the formation of the councils on December 15 by appointing 592 men to fill the other half of the council seats.

The *Majlis al-Shura*, consists of 150 appointed male members and is divided into 11 committees. This consultative council reviewed and voted on legislation and often suggested amendments to the government. The government generally accepted

amendments made by it. The *Majlis al-Shura* held hearings with some government officials to review the performance of their ministries and has the power to request documents from government ministries.

The Council of Senior Islamic Scholars is another advisory body to the king and the Cabinet (see section 1.e.). It reviews the government's public policies for compliance with Shari'a. The government viewed the council as an important source of religious legitimacy and took the council's opinions into account when promulgating legislation.

Communication between citizens and the government traditionally has been expressed through client-patron relationships and by affinity groups such as tribes, families, and professional hierarchies. During the year, King Abdullah held a variety of meetings with citizens throughout the country, including with women. Ministers and district governors can be approached for discussion at a majlis, which were held on a regular basis.

Since 2003, various oppressed groups, including women and Shi'a, have submitted petitions to then Crown Prince Abdullah calling for reform. The repercussions of the March 2004 arrest of the 12 political reformers (and the subsequent arrest of the lawyer for the three that stood trial) accused of signing a petition calling for the implementation of a constitutional monarchy among other things, and the long, drawn out appeal for a public trial, discouraged the submission of additional reform petitions.

The London-based extremist Committee for the Defense of Legitimate Rights (CDLR), established in 1993, and its splinter group, the Movement for Islamic Reform in Arabia (MIRA), established in 1996, continued to advocate overthrowing the monarchy by force. One of the founders of the CDLR, Abdullah al-Hamid, was among the 12 political reformers arrested in March 2004. They criticized the government, using the Internet and satellite radio stations. In December 2004 police arrested 21 persons for taking part in Jeddah in an antigovernment protest sponsored by MIRA, whose leader, Sa'ad al-Faqih, was a supporter of international terrorism. At year's end, the detainees were awaiting trial (see sections 1.d. and 2.b.).

Following a 2003 MIRA-sponsored demonstration in Riyadh, hundreds of citizens gathered October 23 in Riyadh, Jeddah, Dammam, and Ha'il. The government arrested most of the demonstrators, detained many of them for a period of time without sentencing, then convicted them on charges of public demonstrating and sentenced most to sentences ranging from imprisonment to flogging. At year's end there were no reports that the sentences had been commuted (see sections 1.d. and 2.b.).

There was one female advisor to the *Majlis al-Shura*. Women also advised members of the *Majlis al-Shura* in private, closed-door sessions or through female members of the royal family. After two women were elected in December to the board of the Jeddah Chamber of Commerce, the government appointed two additional women to the board. In addition a woman was elected to the board of directors of the Saudi Engineers Council. There continued to be women's councils to advise local governors on issues concerning women (see section 5). There were no women or religious minorities in the Cabinet, and at least 4 of the 150-member *Majlis al-Shura* were Shi'a, from a Shi'a population estimated to be between 10 and 15 percent of the country's citizens.

Government Corruption and Transparency.—There was a widespread public perception of corruption on the part of some members of the royal family and the executive branch of the government. The absence of transparency in government accounts and in decision making encouraged this perception. There are no laws providing for public access to government information. Information concerning specific instances, allegations regarding corruption, or government actions against corruption was not available to the public.

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

The government viewed its interpretation of Islamic law as the only necessary guide to protect human rights. There was no system to register NGOs other than as charities.

The human rights NGO Human Rights First Society (HRF)—the Society for Protecting and Defending Human Rights in the Kingdom of Saudi Arabia—continued to operate without official government recognition. The local media on a number of occasions quoted the HRF president, Ibrahim Mugaiteeb, and reported on its operations. After having previously been deprived of his passport, by year's end, Mugaiteeb's passport was returned to him.

In March 2004 the king authorized the creation of and endowed the government-patronized National Society for Human Rights (NSHR), which characterized itself as a national nongovernmental organization with no affiliation to governmental in-

stitutions. In practice, the Society was not fully independent of the government. According to its chairman, who was himself a member of the government-appointed *Majlis al-Shura*, none of its members had ties to the executive branch of the government; they were consultants, professors, and retirees. Ten of its 41 members were women.

The NSHR has established offices in Jeddah, Dammam, Riyadh, and Jizan. By year's end, it claimed to have handled more than 5 thousand complaints, international as well as domestic, including "political injustices, administrative corruption, and reports by expatriate workers alleging abuse." A December 2004 press report noted that citizens' complaints against government bodies amounted to 25 percent of the cases, and foreign workers lodged 17 percent of the cases. The NSHR published weekly, monthly, quarterly, and annual reports in Arabic. The HRW criticized the NSHR for not supporting the political reformers—al-Doumani, al-Faleh and al-Hamed when they were in legal jeopardy.

The NSHR prefers to resolve cases by working with government agencies rather than bringing court cases. However, on May 18, in the first family case brought by the NHRS, the Jeddah General Court ruled in favor of two orphaned girls and their mother who had approached the NSHR seeking justice from the girls' half-brother and guardian. The girls had been living in a shelter for the poor because their brother denied them their share of their deceased father's pension and other assets (see sections 1.e. and 2.a).

On September 21, the press reported that the NSHR opened a new branch in Jizan, adjacent to the Yemeni border, following the opening of offices in the Eastern and Western Provinces. The press also reported that the NHRS suspended the membership of Ahmad al-Bahkaly because he was a government employee.

On September 12, the Council of Ministers, chaired by King Abdullah, approved the establishment of the Human Rights Commission (HRC). This specialized government organization has broad powers and reports directly to the King. Headquartered in Riyadh, the HRC was designed to protect and enhance human rights as well as raise awareness and ensure the implementation of human rights in line with Shari'a rule. On October 3, the king appointed Dr. Turki bin Khaled al-Sudairi as chairman of the commission with ministerial rank.

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

The law prohibits discrimination based on race, but not nationality, although racial discrimination occurred. There is legal and systemic discrimination based on gender. The government and private organizations cooperated in providing services for persons with disabilities; however, there is no legislation mandating public access. The Shi'a minority continued to suffer social, legal, economic, and political discrimination (see section 2.c.).

Women.—Shari'a prohibits abuse and violence against all innocent persons, including women. Although the government did not keep statistics on spousal abuse or other forms of violence against women, such violence and abuse appeared to be common problems based on anecdotal and media information available regarding physical spousal abuse and violence against women. Hospital workers reported that many women were admitted for treatment of injuries that apparently resulted from spousal violence; hospitals now are required to report any suspicious injuries to authorities.

In August the HRFS advocated on behalf of a battered woman seeking shelter from an abusive husband, the first case of its kind to be addressed by any human rights organization. At year's end the status of the case was not known. In May the NSHR won a family case on behalf of two orphaned girls and their mother (see section 4).

Foreign embassies continued to receive many reports that employers abused foreign women working as domestic servants. Some embassies of countries with large domestic servant populations maintained safe houses to which their citizens may flee to escape work situations that included forced confinement, withholding of food, nonpayment of salaries, beating and other physical abuse, and rape. Often female citizens are accused of committing many of the reported abuses. During the year, the media reported more frequently on cases involving domestic abuse of women, servants, and children, and there were more reports about employers being punished for abuse of domestic servants.

However, in general, the government considered such cases to be family matters and did not intervene unless charges of abuse were brought to its attention. It was almost impossible for foreign women to obtain redress in the courts due to the courts' strict evidentiary rules and the women and servants' own fears of reprisals.

For example, Nour Miyati, an Indonesian maid, accused her employer and his wife of tying her up for a month in a bathroom, beating her severely, injuring her

eyes and knocking out several teeth. Her significant physical injuries resulted in gangrene in her fingers, toes, and right foot. Her sponsor's wife was found culpable for beating her and sentenced to 35 lashes. Nour Miyati was sentenced to 79 lashes because she gave contradictory testimony. She had signed a statement (which she could not read) that contradicted her oral testimony, and her oral testimony was inconsistent. At year's end both sides were appealing the verdicts.

Prostitution is illegal. Some women, primarily noncitizens, engaged in prostitution. The extent of prostitution was not known (see section 5, Trafficking).

Law and custom discriminate against women. Although they have the right to own property and are entitled to financial support from their husbands or male relatives, women have few political or social rights and were not treated as equal members of society. There were no active women's rights groups. Women may not legally drive motor vehicles and were restricted in their use of public facilities when men were present. Women must enter city buses by separate rear entrances and sit in specially designated sections. Women risked arrest by the religious police for riding in a vehicle driven by a male who was not an employee or a close male relative. On July 24 the religious police issued a statement that they never have, and never will, employ women.

The law provides that women may not be admitted to a hospital for medical treatment without the consent of a male relative; however this was not generally enforced. By law and custom, women may not undertake domestic or foreign travel alone (see section 2.d.).

In public, a woman was expected to wear an *abaya* (a black garment that covers the entire body) and also to cover her head and hair. The religious police generally expected Muslim women to cover their faces, and non-Muslim women from other countries in Asia and Africa to comply more fully with local customs of dress than non-Muslim Western women. During the year, religious police admonished and harassed women who failed to wear an *abaya* and hair cover.

Women also were subject to discrimination under Shari'a as interpreted in the country, which stipulates that daughters receive half the inheritance awarded to their brothers. While Shari'a provides women with a basis to own and dispose of property independently, women often were constrained from asserting such rights because of various legal and societal barriers, especially regarding employment and freedom of movement. In a Shari'a court, the testimony of one man equals that of two women (see section 1.e.). Although Islamic law permits as many as four wives, polygamy was becoming less common due to demographic and economic changes. Islamic law enjoins a man to treat each wife equally. In practice, such equality was left to the discretion of the husband. The government placed greater restrictions on women than on men regarding marriage to noncitizens and non-Muslims (see section 1.f.).

Women must demonstrate legally specified grounds for divorce, but men may divorce without giving cause. In doing so, men were required to pay immediately an amount of money agreed upon at the time of the marriage, which serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce also were entitled to this alimony. If divorced or widowed, a Muslim woman normally may keep her children until they attain a specified age: seven years for boys and nine years for girls. Children over these ages were awarded to the divorced husband or the deceased husband's family. Numerous divorced foreign women continued to be prevented by their former husbands from visiting their children after divorce.

Women had access to free but segregated education through the university level. They constituted more than 58 percent of all university students but were excluded from studying such subjects as engineering, journalism, and architecture. Men may study overseas; the law provides that women may do so only if accompanied by a spouse or an immediate male relative. However, this restriction was not enforced in practice, and many women studied overseas without a guardian.

During the year there was increased attention in the press to women's issues, including questions such as gender discrimination, domestic abuse, health, rising divorce rates, employment, driving, and legal problems women face in the business world. On December 1, two women were elected to the board of Directors of the Jeddah Chamber of Commerce, the first elections in the country in which women were candidates.

Most employment opportunities for women were in education and health care. Despite limited educational opportunities in many professional fields, some female citizens were able to study abroad and returned to work in professions such as architecture, law, and journalism. Many foreign women worked as domestic servants and nurses.

Women who wished to enter nontraditional fields were subject to discrimination. Women may not accept jobs in rural areas if there are no adult male kin present

with whom they may reside and who agree to take responsibility for them. Most workplaces in which women were present were segregated by gender. Frequently, contact with a male supervisor or client was allowed only by telephone or fax machine. However, the degree of segregation varied by region, with the central region having the most restrictions and the eastern and western regions being more relaxed. Despite gender segregation, the law provides women the right to obtain business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal on a regular basis with government officials.

While there is no law prohibiting women from obtaining licenses to open businesses their applications for licenses in most sectors are denied because most governing ministries do not have women's sections that can monitor the business. However, in hospital settings and in the energy industry, women and men worked together, and, in some instances, women supervised male employees. During the year the government allowed citizen female radio news broadcasters to work for the first time. A new labor law in September expanded the right of women to maternity leave and required that employers provide child care if they employed 50 or more female employees.

Children.—The government provided all children with free education and medical care. Children were segregated by sex in schools, usually beginning at the age of seven; however, schools were integrated through the fourth grade in some areas.

Abuse of children was a problem, although it was difficult to gauge the prevalence of child abuse, since the government kept no national statistics on such cases. Although in general the culture greatly prizes children, studies by citizen female doctors indicated that severe abuse and neglect of children appeared to be more widespread than previously reported. At least two NGOs, one in Riyadh and one in Jeddah, run shelters for women and children. The press has also raised national consciousness about the problem.

In 2003, the MOI's center for crime prevention and research reported that 21 percent of male children suffered from some form of abuse. The report stated that 34 percent of the abused suffered from some sort of psychological abuse, and 25 percent suffered physical abuse. The figures excluded female children and accusations of sexual abuse, as the ministry stated that the issues were too sensitive for public discussion.

The Ministry of Education continued to teach children their rights under the UN Convention on the Rights of Children.

Trafficking in Persons.—The country does not have an antitrafficking law, although most forms of trafficking are criminalized under existing statutes. On September 27, the government gazetted a new labor law stipulating that within the next six months, the government is to issue implementing regulations regarding domestic workers. These regulations will apply to citizen and foreign domestic workers. Currently, domestic laborers are not protected under the country's labor law. The majority of cases involving trafficking were settled out of court by mediation and settlements.

The government has not taken sufficient measures to improve its performance on trafficking issues, although it did name an official in the Ministry of Foreign Affairs to assume responsibility for trafficking in persons.

Foreign laborers', including domestic workers', passports were often illegally retained by their employers and can sometimes result in forced labor. Foreign nationals who have been recruited abroad have, after their arrival in the country, been presented with work contracts that specified lower wages and fewer benefits than originally promised. A reportedly small number of noncitizen women were thought to engage in prostitution, comprising a minor element of the trafficking problem in the kingdom (see sections 5, Women, 6.c., and 6.e.).

Persons with Disabilities.—The law provides hiring quotas for persons with disabilities. There is no legislation that mandates public accessibility; however, newer commercial buildings often included such access, as did some newer government buildings. The provision of government social services increasingly has brought persons with disabilities into the public mainstream. The government and private charitable organizations cooperated in education, employment, and other services for persons with disabilities.

During the year the government took a variety of steps promoting more rights and elimination of discrimination against persons with disabilities. The government established an endowment committee for children with disabilities, and a supreme council to deal with the affairs of the disabled, with the crown prince as chairman. Foreign criminal rings reportedly imported children with disabilities for the purpose of forced begging (see sections 5, Trafficking in Persons, 6.c. and 6.f.). There were

numerous government-sponsored centers for persons with disabilities, including organizations for children with Down's syndrome and autism.

Police generally transported persons with mental disabilities found wandering alone in public to their families or a hospital. Police asserted that, according to Islam, family members should be taking care of such individuals.

In September the press reported that the government was investigating allegations of abuse in which hundreds of naked mental patients at a Taif hospital were herded into a group shower where they were sprayed by a high-pressure stream from the water hose of a tanker truck. Such demeaning forced public nakedness was considered contrary to Shari'a.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, there was substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia were subject to various forms of formal and informal discrimination and had the most difficulty in obtaining justice for their grievances. For example, some bilateral agreements governed pay, benefits and work conditions. Consequently, pay scales for identical or similar labor or professional services were set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties received varied compensation based on their nationalities.

Other Societal Abuses and Discrimination.—Under Shari'a as interpreted in the kingdom, sexual activity between two people of the same gender is punishable by death or flogging. The law also prohibits men from behaving like women or wearing women's clothes and women from wearing men's clothes (see section 1.c.).

Although the media has been urged to discourage discrimination against AIDS patients and those infected with HIV, the press reported that the government failed to provide proper medical treatment to HIV positive noncitizens and treated them poorly until their deportation. The Ministry of Health has set up three HIV centers that provided diagnostic and preventive services

Section 6. Worker Rights

a. The Right of Association.—The Basic Law does not address freedom of association. The government prohibited the establishment of labor unions; however, since 2001, the government has authorized the establishment of labor committees for citizens in local companies, including factories, having more than 100 employees; however, no practical steps have been taken to implement this decision.

b. The Right to Organize and Bargain Collectively.—The Basic Law does not provide for collective bargaining. Collective bargaining remained prohibited. Foreign workers comprised approximately 88 percent of the work force in the private sector. During the year, the Indonesian government suspended recruitment of its nationals by Saudi firms for several months. Recruitment only recommenced after the signing of an agreement between the two governments that detailed minimum salary levels for domestic workers and other worker rights.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, employers often retained possession of foreign laborers' passports and identity cards, giving them significant control over the movements of foreign employees. This practice sometimes resulted in forced labor, especially in remote areas where workers were unable to leave their places of work and cannot legally travel without an identity card. In addition some sponsors prevented foreign workers from obtaining exit visas to pressure them to sign a new work contract, or to drop claims against their employer for unpaid salary or benefits (see section 2.d.). Finally, some sponsors refused, for legitimate and nonlegitimate reasons, to provide foreign workers with a "letter of no objection" that would allow them to be employed by another sponsor for legitimate and nonlegitimate reasons.

There were many reports of workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. More foreign workers than in the past went to labor courts, which regularly ruled in favor of the workers. However, this was a long and difficult process and it was difficult to enforce judgments. Labor courts, while generally fair, sometimes took many months to reach a final appellate ruling, during which time the employer could prevent the foreign laborer from leaving the country. Often noncitizen workers engaged in a court case against their employers cannot legally work, placing an additional burden on them and compelling a negotiated settlement. Another tactic was for an employer to delay a case until a worker's funds were exhausted, and the worker was forced to withdraw his case in exchange for the employer allowing the worker to return to his/her home country.

The Ministry of Labor established the department for protection of foreign workers to address abuse and exploitation of foreign workers (such as sexual harassment, mistreatment and nonpayment of salaries). Workers may also submit complaints and seek help from the 37 labor ministry offices throughout the country.

In the first 6 months of the year, the labor minister had banned 52 companies from obtaining labor visas. Of these 43 were banned for trading in visas and others were banned for a variety of reasons, including delayed payment of more than 4 months of wages.

The law does not specifically prohibit forced or compulsory labor by children, and there were a few reports that it occurred (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor did not appear to be a problem, with the possible rare exceptions of forced child begging rings, and possibly family businesses. The government implemented a regulation requiring that all camel jockeys be at least 18 years of age, and there were indications that it was enforced.

Under a new labor law, no juvenile under the age of 15 can work in any vocational field unless he is the only family worker. There is no minimum age for workers employed in family-owned businesses or in other areas that are construed as extensions of the household, such as farming, herding, and domestic service.

Children under the age of 18 may not be employed in hazardous or harmful industries, such as mining, or industries employing power-operated machinery. While there is no formal government entity responsible for enforcing the minimum age for employment of children, the Ministry of Justice has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators. However, in general, children played a minimal role in the work force.

Child beggars were reportedly often noncitizens who had been trafficked into the country for that purpose or are Hajj or Umra overstayers. The Ministry of Social Affairs maintained special offices in both Mecca and Medina to combat the growing problem of child beggars.

e. Acceptable Conditions of Work.—While there is no official minimum wage for citizen workers, the unofficial private sector minimum wage was \$320 (1,200 riyals) per month until October. However, once the king's 15 percent public sector wage increase took effect on October 4, the chambers of commerce announced a voluntary private sector wage increase to \$400 (1,500 riyals) per month. A defacto minimum wage has been set based on the minimum monthly contribution to the pension system which is now 1,500 riyals a month. For noncitizen workers, there was no official minimum wage. Where they exist, bilateral agreements set wages. Individual contracts also set wages which vary according to the type of work performed and the nationality of the worker (see section 5). Labor regulations establish a 48-hour workweek at regular pay and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay. Labor law provides for a 24-hour rest period, normally on Fridays, although the employer may grant it on another day. The new labor law increased annual leave for citizen employees from 14 to 21 days and provided a minimum 6-week maternity leave for female citizen employees and new requirements to provide child care at places of employment. The average wage generally provided a decent standard of living for a citizen worker and family.

During the year, sources have produced varying estimates of the actual rate of citizen unemployment. The minister of labor stated the unemployment rate was only 5 percent (because very few citizens enrolled in a recent job placement program). The minister of finance claimed unemployment was 9.6 percent. In October in his first televised interview, the king claimed that only 100 thousand citizens were seeking jobs but could not find them. Some bankers believed the unemployment rate was 20 percent and a prominent royal and business leader recently stated the number was closer to 30 percent. None of these estimates included women, who were prohibited from working in the majority of business sectors and positions.

Approximately 80 percent of all working citizens worked directly for the government. If one adds the parastatals, like Saudia Airline and Saudi Aramco, the military, and the farmers who depend on subsidies nearly all citizens worked for the government in one way or another. However, the private sector was the reverse image. According to the government, citizen workers accounted for only 12 percent, less than 800 thousand of the approximately 6.76 million persons employed in the private sector; foreign nationals held the remaining 88 percent of the jobs (see section 6.b.).

The law prohibits employers from holding their employees' passports without the employee's consent; however, this law was not well known to foreign employees and, as a result, was frequently violated.

Labor regulations require employers to protect most workers from job-related hazards and disease. However, foreign nationals reported frequent failures to enforce health and safety standards. Farmers, herdsman, domestic servants, and workers in family-operated businesses were not covered by these regulations. Workers risked losing employment if they removed themselves from hazardous work conditions.

Foreign nationals who have been recruited abroad have, after their arrival in the country, been presented with work contracts that specified lower wages and fewer benefits than originally promised. Other foreign workers have signed contracts in their home countries and later were pressured to sign less favorable contracts upon arrival. Some employees reported that, at the end of their contract service, their employers refused to grant permission to allow them to return home. Foreign employees involved in disputes with their employers may find their freedom of movement restricted (see sections 2.d and 6.a.). Recognizing this issue, the authorities have created a booklet on foreign workers' rights that reportedly will be distributed at the airports and foreign embassies in the country.

The labor laws, including those designed to limit working hours and regulate working conditions, did not apply to foreign domestic servants, who may not seek the protection of the labor courts. However, the bilateral labor agreements stipulate work conditions which provide for one day of rest per week. There were credible reports that female domestic servants sometimes were forced to work 16 to 20 hours per day, 7 days per week. There were numerous confirmed reports of maids fleeing employers and seeking refuge in their embassies or consulates (see section 5). Foreign embassies continued to receive reports of employers abusing domestic servants. Such abuse included withholding of food, beatings, and other physical abuse, and rape (see section 5).

The government has established welfare shelters to house female domestic servants who flee their place of work. The government offered arbitration between the worker and employer and investigated allegations of abuse. Allegations were either settled in court or through negotiation.

The ongoing campaign to remove illegal immigrants from the country has done little to reduce unemployment or to increase the number of jobs held by citizens. Illegal immigrants worked in positions which most citizens considered unworthy. The government carried out the campaign to remove the illegal aliens by widely publicizing its enforcement of existing laws against both the illegal aliens and the citizens employing or sponsoring them.

The effect of the expeditious repatriation of some illegal immigrants and the legalization of others has been to improve overall working conditions for legally employed foreigners. Illegal immigrants generally were willing to accept lower salaries and fewer benefits than legally employed immigrants. The departure or legalization of illegal workers reduced the competition for certain jobs and thereby reduced the incentive for legal immigrants to accept lower wages and fewer benefits as a means of competing with illegal immigrants. Furthermore, their departure or legalization removed a large portion of the class of workers most vulnerable to abuse and exploitation because of their illegal status.

SYRIA

Syria, with a population of approximately 18 million, is a republic under the authoritarian presidential regime of Bashar al-Asad. The president, with counsel from a small circle of security advisors, his ministers, and senior members of the ruling Ba'ath Party, makes key decisions regarding foreign policy, national security, internal politics, and the economy. An unopposed referendum in July 2000 confirmed President al-Asad for a seven-year term. The president appoints vice presidents, the prime minister, deputy prime ministers, and the cabinet, or Council of Ministers. The law mandates the primacy of Ba'ath party leaders in state institutions and the parliament; party leaders influenced all three branches of the government. The parliament, elected in March 2003, may not initiate laws but only assess and at times modify those proposed by the executive branch. The constitution provides for an independent judiciary; however, courts were regularly subject to political influence and bribery. The government maintained effective control of the security forces, and members of the security forces committed numerous, serious human rights abuses.

The government's human rights record remained poor. On October 19 and December 12, the UN issued reports identifying high-ranking Syrian security officials as suspects in the February assassination of the former Lebanese prime minister, Rafiq al-Hariri. During the year there was an increase in arbitrary arrests carried out by authorities. The following human rights abuses were reported:

- absence of right to change government
- arbitrary or unlawful deprivation of life
- torture in prison
- poor prison conditions
- arbitrary arrests and detentions
- absence of rule of law
- severely restricted civil liberties—freedoms of speech, press, assembly, association, and movement
- limited freedom of religion
- government corruption and lack of transparency
- violence and societal discrimination against women
- discrimination against the Kurdish minority
- severely restricted workers' rights

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year there were reports of arbitrary or unlawful deprivation of life. On October 19 and December 12, Chief Investigator for the UN International Independent Investigation Commission (UNIIC) Detlev Mehlis presented two interim reports on the February 14 assassination of former Lebanese prime minister Rafiq al-Hariri to UN Secretary-General Kofi Annan. Hariri and 22 other individuals killed in a blast in central Beirut. The October report concluded that evidence pointed toward the involvement of Syrian authorities in the assassination of al-Hariri. The report also made it clear that Syrian officials, while purporting to cooperate, deliberately misled investigators. In response to the UN report, citizens rallied in front of the Central Bank in Damascus on October 24, protesting its findings (see section 2.b), and in smaller demonstrations throughout November and early December. The December report stated that the ongoing investigation reinforced the conclusions of the October report and requested a six-month extension, noting Syrian authorities' "reluctance and procrastination" and citing its attempt to "hinder the investigation internally and procedurally." The UN Security Council passed Security Resolution 1644 on December 15, extending the UNIIC's mandate.

According to local human rights groups, four persons died in detention due to torture or mistreatment by security services during the year. On March 28, Ahmed al-Masalmeh, a former Muslim Brother, died from a heart attack related to torture while in detention. Prison officials also denied him medication for a heart and kidney condition.

The London-based Syrian Human Rights Committee (SHRC) reported that Safwat Abdullah Hawsh died on March 11 in Lattakia after policemen from the Salibeh police station beat him unconscious outside a café.

The SHRC reported that Adnan Ahmad al-Sallal died of a heart attack on August 14 in Hama Central Prison, after prison officials neglected to provide timely medical treatment.

Human rights organizations reported in December that Yasir Mushimish, a prisoner at Saidnaya prison, died of unknown causes in a military clinic on December 15, 10 days after being admitted for care.

In 2004 international and Syrian human rights organizations reported that 13 Syrian citizens died in detention due to torture or mistreatment by the security services. Six of the 13 were reportedly Kurdish men in the military who died under suspicious circumstances. In March 2004 five died in detention after Kurdish riots.

In 2004, according to local human rights organizations, Firas Abdallah died in police custody in Damascus as a result of beatings. Human rights lawyers continued their civil case against the police and the Ministry of Interior on behalf of the deceased, but no hearings were held on the case during the year. Under Syrian law, it is difficult to successfully sue the government successfully.

No charges were brought against an off-duty Sunni military officer and his brother for the October 2004 killing of two Assyrian Christians in Hassakah Province. The conflict began when the military officer tried to extort money from one of the Assyrians. Some members of the Assyrian community violently protested the murders; 12 protestors were arrested.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances during the year. In May 2004 Nabil al-Marabh disappeared after registering for military service; Amnesty International (AI) reported that as of August,

unofficial sources stated that he was being held in Adraa prison. Many persons who disappeared in the past were believed to have died or to be in long-term detention (see section 1.e.).

The government has not punished any members of the security forces for their roles in prior abductions and disappearances.

The government continued to withhold new information on the welfare and whereabouts of persons who have disappeared or held incommunicado for years; little is known other than the approximate date of their detention. A local human rights organization recorded at least three thousand disappearance cases of Syrians and Palestinians since the late 1970s in the country, and estimated that the actual number may be several thousands more.

In 1999 the government claimed it had released all Palestinian, Jordanian, and Lebanese citizens reportedly abducted from Lebanon during and after its civil war (1975–91). Human Rights Watch (HRW) maintains that an estimated 17 thousand Lebanese citizens and stateless Palestinians were “disappeared” by security forces in the early 1990s alone. Various nongovernmental organizations (NGOs) and family members of those who allegedly remained in prison continued to dispute the government’s claim that all abductees had been released (see section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the penal code provides punishment for abusers. Under article 28 of the constitution, “no one may be tortured physically or mentally or treated in a humiliating manner.” However, security forces continued to use torture frequently.

During the year local human rights organizations cited numerous cases of security forces torturing prisoners, including the case of 200 Kurds on trial in a Damascus military court for their involvement in the March 2004 riots in Qamishli. During the proceedings, a number of detainees complained of torture and displayed their injuries to the judge. Torture of political detainees also was common.

The Paris-based International Federation for Human Rights (FIDH) reported that a French man of Lebanese origin was detained on September 5 at the Syrian-Lebanese border by Syrian authorities and was later transferred to Detention Center 235 (Palestinian Branch). The man, identified in press articles as Charles F., was held for 10 days, during which he was reportedly beaten with electrical cables, kicked, and forced to watch other prisoners being tortured. On December 15, he filed a complaint against Syrian authorities in a Parisian court.

Multiple human rights organizations reported that Seraj Khalbous, an Islamist, was tortured for approximately one month following his September 12 detention, resulting in several weeks of hospitalization and partial paralysis.

According to a December 14 AI report, security forces tortured foreign national Yasin Taha, and forced him to “confess” to being a leading member of al-Qa’ida after his 2003 arrest. The reasons for his arrest were unknown. AI later reported that he was turned over to Tunisian authorities in December.

Family members of 45 accused Islamists from the villages of Qatana, al-Otaiba, and al-Tal reported to human rights organizations during the year that their relatives had been tortured at the time of their arrests in 2004.

In April 2004 five Kurdish students detained by the police were reportedly beaten and subjected to electric shocks for three days (see section 5). AI reported the case of four young men arrested in 2003 in Daraa and held in Saidnaya prison, where they were subjected to various forms of torture and ill-treatment, including having their fingers crushed, beatings to the face and legs, dousing with cold water, standing for long periods of time during the night, subjected to loud screams and beatings of other detainees, stripped naked in front of others, and not being allowed to pray and grow a beard.

Former prisoners, detainees, and reputable local human rights groups, reported that torture methods included electrical shocks; pulling out fingernails; burning genitalia; forcing objects into the rectum; beating, sometimes while the victim was suspended from the ceiling; alternately dousing victims with freezing water and beating them in extremely cold rooms; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; and using a backward-bending chair to asphyxiate the victim or fracture the victim’s spine. Torture was most likely to occur while detainees were held at one of the many detention centers operated by the various security services throughout the country, particularly while authorities attempted to extract a confession or information.

Past victims of torture have identified the officials who tortured them, up to the level of brigadier general. In past years, when allegations of excessive force or physical abuse were made in court, the plaintiff was required to initiate a separate civil suit against the alleged abuser for damages. However, no action was taken against the accused. There were no confirmed cases of new allegations during the year. In

December a French citizen filed a complaint with French courts, claiming to have been tortured during his September detention in Syria (see section 1.c.). Courts did not order medical examinations for defendants who claimed that they were tortured (see section 1.e.).

August 2004 marked the government's accession to the UN Convention Against Torture, but the government's objection to article 20 prevents outside observers from coming to the country to investigate allegations of torture within the country.

Police beat and mistreated detainees during the year. On March 11, Safwat Abdullah died following a police beating in Lattakia (see section 1.a.). On November 12, human rights activist Dr. Kamal al-Labwani reported to other human rights observers that he had been struck four times by a security official while in political security custody and had not been given food for four days. Authorities at Damascus International Airport detained Dr. al-Labwani on November 8 following a three month-long trip abroad (see section 1.d.) that included a visit to Washington.

Prison and Detention Center Conditions.—Prison conditions generally were poor and did not meet international standards for health and sanitation. At some prisons security officials demanded bribes from family members. Overcrowding and the denial of food remained problems at several prisons. According to the Arab Organization for Human Rights (AOHR), Abdul Karim Dhaon, an official at the Ministry of Health, was arrested in May 2004 for allegedly writing a report about the unacceptable conditions at the prisons he supervised. Dhaon was released in December 2004, and his case was on appeal at year's end. According to HRW, prisoners and detainees were held without adequate medical care, and some prisoners with significant health problems reportedly were denied medical treatment. Some former detainees reported that the government denied political prisoners access to reading materials, including the Koran.

There were separate detention facilities for men, women, and children; several reports cited minors being held in adult facilities. Pretrial detainees, particularly those held for political or security reasons, were usually held separately from convicted prisoners. Facilities for political or national security prisoners generally were worse than those for common criminals. Released political detainees confirmed reports of poor prison conditions, including overcrowded cells and a shortage of beds.

The government did not permit any independent monitoring of prison or detention center conditions; however, diplomatic and consular officials were granted access in some cases.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, in practice these activities persisted and remained significant problems.

Role of the Police and Security Apparatus.—The role of the security services extends far beyond strict security matters due to a state of emergency, which has been in place since 1963. The government justifies the ongoing Emergency Law on the basis of its war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies; the Ministry of Interior exercises nominal control over general security, state security, and political security.

The Ministry of Interior controlled the police forces, which consist of four separate divisions: emergency police, traffic police, neighborhood police, and riot police.

There are four major branches of security forces—Political Security Directorate (PSD), Syrian Military Intelligence (SMI), General Intelligence Directorate (GID), and Syrian Air Force Intelligence (SAFI)—all of which devote some of their overlapping resources to monitoring internal dissent and individual citizens. The four branches operate independently and generally outside of the control of the legal system.

Corruption continued to be a serious problem throughout the police forces and security services. Human rights lawyers and family members of detainees cited solicitation of bribes for favorable decisions and provision of basic services by government officials throughout the legal process in both courts and prisons. Traffic police officers regularly and openly solicited bribes from drivers.

Arrest and Detention.—Upon arrest, an individual is brought to a police station for processing and detained until a trial date is set. At the initial court hearing, which may be months or years after arrest, the accused may retain an attorney at personal expense or be assigned a court-appointed attorney. The individual is then tried in a regular court, where a judge renders a verdict (see section 1.e.). While the prison code provides for prompt access to family members, human rights organizations and families reported inconsistent application of the code, with reports of some families waiting up to a year for access to relatives.

The 1963 Emergency Law authorizes the government to conduct preventive arrests and overrides constitutional and penal code provisions against arbitrary arrest

and detention, including the need to obtain warrants. In cases involving political or national security offenses, arrests were often carried out in secret. Suspects were detained incommunicado for prolonged periods without charge or trial and denied the right to a judicial determination regarding pretrial detention. Human rights organizations reported that many detainees were not informed of charges against them until their arraignment, which often was months after their arrest. Additionally, those suspected of political or national security offenses were arrested and prosecuted under ambiguous and broad articles of the penal code and subsequently tried in either the criminal or security courts. There were reliable reports that the government did not notify foreign governments when their citizens were arrested or detained, or did so only after the person was released.

Arrest and search warrants exist only for nonsecurity related cases; however, police bypassed this requirement in many instances by claiming security or emergency grounds for entry.

Human rights organizations documented the arrest of at least 80 individuals by security forces for alleged ties to radical Islam during the year. According to the 2005 HRW report, more than 40 students in Lattakia were arrested and claimed that they were tortured while in custody. Human rights organizations estimated that the total arrests based on suspicion of extremist Islamist involvement reached at least 500 during the year.

In January authorities arrested, Ammar Hussein Fakhri, Majid Bakri Suleyman, and Ahmad Ali al-Masalmeh, upon their return from political exile, despite guarantees by Syrian embassies abroad that they could return safely. Masalmeh was tortured and later died on March 28 (see section 1.a.).

Also in January Abdulrahman al-Musa, who had been affiliated with the Muslim Brotherhood, was detained by Syrian authorities upon his return to the country.

According to 2005 HRW report, on February 24, security forces arrested Salim al-Salim, an activist from Homs in the Society of Human Rights in Syria. He remained in custody at year's end.

On March 22, 40 Kurds were detained after incidents during celebration of the Kurdish New Year in Aleppo (see section 5). They were released on March 30.

In late March authorities detained Ahmet Muhammad Ibrahim following his return from Turkey, where he was acquitted of membership in Kongra Gel (formerly known as the PKK). He remained in custody at year's end.

In April the government began a sustained crackdown on civil society and human rights activists that continued throughout the year. On April 19, human rights activist Nizar Rastanawi disappeared while returning to his home in Hama. Initially, security forces denied any knowledge of his whereabouts; however, they admitted several weeks later that he was detained. Rastanawi appeared before the State Security Court on November 20 to face charges of disseminating false information to undermine public morale. He remained in custody at Saidnaya prison at year's end.

In April and May, authorities arrested political exiles Shayish Ali al-Tayyar, Muhammad Fayiz al-Hursh, Hazem Abdul-Kafi al-Jundi, and Mahmoud Samaq upon their return to the country, despite reported assurances of safe return by Syrian embassies abroad. They remained in government custody at year's end.

On May 3, Muhammad Osama Sayes, the son of a Muslim Brotherhood member, was detained following his return to the country from the United Kingdom. Sayes appeared in the Supreme State Security Court (SSSC) on December 4; his trial was adjourned until February 2006.

On May 10, prominent Kurdish Sheikh Mashook al-Khaznawi disappeared from his Damascus office. On June 1, he was found murdered near the town of Deir ez-Zur. The circumstances surrounding his murder remained unclear; authorities arrested five students from an Islamic institute in connection with the death, but Kurdish activists and human rights observers said that military intelligence agents detained and tortured him to death. Other observers speculated that Khaznawi may have been killed in a family vendetta, possibly aggravated by agents of the security services. Reaction to his murder created unrest in the predominantly Kurdish province of al-Hasaka. On June 4, Sheikh Riyad Drar al-Hamood, a cleric and civil rights activist, was arrested after making a speech at Khaznawi's funeral. The SSSC charged al-Hamood on December 4 with one count of degrading national pride in a time of war, one count of inciting conflict among the country's various religious and ethnic groups, and one count of forming a secret society. His trial was adjourned until January 2006. On June 5, Kurds protested Khaznawi's murder in the town of Qamishli. The protesters clashed with police, military, and security personnel, which led to the arrest of approximately 60 Kurds, including women and children. They were released in August but faced trial at the Qamishli Criminal Court (see section 5).

On May 16, Ali Abdullah, human rights activist and member of the Jamal al-Atassi Forum (a predominantly secular group encouraging dialogue among political parties and civil society to promote reform), was arrested after reading a statement from exiled Muslim Brother leader Saad al-Din al-Baiyanouni at a May 7 forum meeting. Abdullah was later released as part of a November 3 mass amnesty. Eight board members of the forum were arrested on May 24 in connection with the reading of the statement. They were released in June.

On May 22, president of the Arab Human Rights Organization Muhammed Radoun was arrested a day after he appeared on Al-Jazeera Television, highlighting the need for reform in the country. Radoun was released on November 3 as part of a mass amnesty at the end of Ramadan.

On May 26, civil society activist Mohammed Hassan Dib was arrested. According to human rights organizations, the Hama Criminal Court transferred his case to a military judge on November 29 due to lack of jurisdiction. His case was unresolved at the end of the year, and he remained imprisoned.

On May 29, Habib Saleh was arrested and later charged by a military court for publishing antigovernment material on the Internet. He remained in custody at year's end in Adraa prison.

In July authorities arrested 16 women from ar-Raqqa Province following their protest of government expropriation of their farmland. Four of the women were released several days after arrest, while 12 others were held for approximately 1 month (see section 2.b).

On July 10, authorities arrested Hasan Zeino for carrying copies of a newsletter from the unlicensed opposition umbrella group National Democratic Front. Zeino was released on bail on August 24 and awaited a military court verdict on charges of "possession of publications of a prohibited organization."

On July 25, authorities arrested Yusuf Mohammad Ahmad Qarmo upon his return from Iraq, where he had lived since the age of nine. In early August, Mohammad Abdulkader al-Taweel was also arrested upon his return from Iraq, where he had also lived since childhood. Both men remained in detention at year's end.

On July 27, Mohammed Ali al-Abdullah, the son of detained activist Ali al-Abdullah, was arrested in a suburb of Damascus. According to press reports, he and Yassin al-Hamwi, father of a political prisoner, were arrested on charges of organizing a group calling for the release of all political prisoners. Both men were detained for 20 days and convicted on September 27 for defaming the homeland; their sentence was 10 days, which was covered by time served.

On September 5, Syrian authorities detained a French citizen of Lebanese origin, identified in press reports as Charles F., at the Syrian-Lebanese border for 10 days. He accused Syrian authorities of torture (see section 1.c).

In mid-September, government authorities arrested writer Dr. Mahmoud Sarem. At year's end he was detained in the political branch of Adraa prison awaiting charges and court assignment.

On September 12 authorities detained five suspected Islamists. One of the men, Seraj Khalboos was later released after hospitalized for injuries received during torture in custody (see section 1.c.). The other four men remained in custody.

On September 19, lawyer Thaer al-Khatib attempted to carry out a court order to remove a bust of Hafez al-Asad from his client's property. He and his client were both arrested by government authorities and later released. Khatib faced disbarment by the Syrian Bar Association (see section 1.e.).

In mid-October authorities arrested Ahmad Qattee' at the Syria-Jordan border near the city of Dar'a because of his father's alleged affiliation with the Muslim Brotherhood. He remained in custody at year's end.

On November 8, government authorities detained prominent opposition activist Kamal al-Labwani upon his arrival in Damascus following a three month-long trip abroad. On November 12, Labwani was arraigned before the Damascus Criminal Court and charged with two counts of slandering the country in the media, one count of degrading national pride in a time of war, one count of inciting conflict among the country's various religious and ethnic groups, and one count of forming a secret society. His arrest came days after the government announced the release of 190 political prisoners to mark the Muslim 'Eid al-Fitr holiday, signifying the end of Ramadan, a traditional time for amnesties or pardons (see section 1.d.). He remained detained at Adraa prison at year's end.

On November 13, approximately 12 men were detained by police authorities for several hours following a spontaneous demonstration by family members of SSSC defendants (see section 2.b.). On November 14, protester Mohamed Abd el-Halim al-Kelany was redetained by Air Force Security and released in mid-December.

In mid-November authorities detained Dr. Mahmoud al-Rashid upon his return from exile in Iraq, after Syrian authorities detained his wife for 10 days. He remained in detention at year's end.

On November 17, security forces arrested Kurdish cultural activist Nasraddin Ahma at his workplace in the town of Qamishli. At year's end Ahma remained in custody.

On December 7, government authorities arbitrarily detained Hayan Abdul-Samad at Damascus airport upon his return to the country from Saudi Arabia. At year's end Abdul-Samad continued to be detained with a serious nerve disease and in need of medical care.

In December security forces arbitrarily arrested Mahmud Yusuf, a student in the University of Aleppo. His whereabouts and reason for arrest remained unknown at year's end.

On December 23, security forces detained Ghiab Habab after he pointed out the State Security Court to a group of tourists. He remained in custody at year's end.

During 2004, security forces conducted mass arrests of suspected Islamists in Damascus, Aleppo, Hama, Hayaleen, and Qatana. In March 2004 the SSSC sentenced to 2 years in prison 33 persons who had been arrested in Aleppo in August 2003 and accused of belonging to the Muslim Brotherhood.

In 2004 security services also conducted mass arrests of Kurds in Hassakah Province, Aleppo, Damascus, and other areas. In 2004 human rights organizations and Kurdish groups reported that one thousand to two thousand Kurds were detained in the aftermath of the March 2004 riots. On March 30, President Asad pardoned 200 of the remaining detained Kurds involved in the riots (see section 1.e.). Most were freed after a few months of detention. At year's end less than 100 Kurds arrested in the aftermath of those riots reportedly remained detained.

In April 2004 military security arrested human rights activist Aktham Naiissa, head of the Committee for the Defense of Democracy, Freedom, and Human Rights (CDF), for his involvement in a protest in front of parliament in March and for communiqués issued by the CDF critical of the government's treatment of the Kurdish minority (see section 2.b.). Naiissa was held at Saidnaya prison without access to his lawyer and was tried by the SSSC; he was released on bail in August 2004. Naiissa was acquitted on June 26 of spreading false information about the government and opposing the Ba'ath Party's rule.

In November 2004 Abdul Sattar Qattan was arrested by the military intelligence branch in Aleppo for his alleged involvement with members of the Muslim Brotherhood and for distributing aid to ex-detainees. On October 23, Qattan was brought before the SSSC after being detained for 11 months under ill conditions and tried pursuant to law 49 of 1980 that makes membership or support of Muslim Brotherhood a capital offense. Qattan appeared again before the SSSC on December 18; his case remained unresolved at the end of the year.

Detainees have no legal redress for false arrest. The authorities detained those critical of the government under the Emergency Law and charged them with treason.

In cases before regular courts, judges render verdicts. There are no juries.

Defendants in civil and criminal trials have the right to bail hearings and possible release from detention on their own recognizance. However, this right was not applied consistently throughout the legal system. Dr. Kamal al-Labwani, for example, was not granted bail by the criminal court judge presiding over his case. Bail was generally not allowed for those accused of "state security offenses." One exception was the release from the SSSC of Aktham Naiissa in August 2004 on bail. Unlike defendants in regular criminal and civil cases, security detainees did not have access to lawyers prior to or during questioning.

Lawyers were not ensured access to their clients before trial (see section 1.e.).

Many persons who disappeared in past years were believed to be in long-term detention without charge or possibly to have died in detention. Many detainees brought to trial were held incommunicado for years, and their trials often were marked by irregularities and lack of due process. Many criminal suspects were held in pretrial detention for months and may have had their trials extended for additional months. Lengthy pretrial detention and protracted court proceedings were caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining (see section 1.e.).

The government continued threatening or detaining the relatives of detainees or of fugitives to obtain confessions, minimize outside interference, or prompt a fugitive's surrender. There were unconfirmed reports that security personnel forced prisoners to watch relatives being tortured in order to extract confessions. Human rights organizations also reported at least three arrests of family members and

friends who had inquired to authorities about the welfare and whereabouts of political detainees.

The SHRC cited reports in May that Colonel Hafez Sultan, head of military intelligence in Houran Province, had threatened the relatives of political exiles with job loss if they did not disown their exiled family members.

On September 3, Nadia al-Satour, Heba al-Khaled, and Rola al-Khaled were arrested after authorities failed to find their husbands, who were alleged to be involved with the Islamic organization Jund al-Sham. The three women remained in custody at year's end.

In November the father of political detainee Seraj Khalboos was threatened with torture by authorities and compelled to sign a statement saying that his son was a member of Jund al-Sham.

In November authorities detained the wife of Dr. Mahmoud al-Rashid for a number of weeks to compel him to return from Iraq.

In December the UNIIC stated in its second interim report that it had received credible reports that authorities had arrested and threatened close relatives of Hussam Taher Hussam, a "recanting" witness in the UNIIC investigation.

Security services also threatened families or friends of detainees to ensure their silence, force them to disavow publicly their relatives, or force detainees into compliance. For example, security services told the family of a recently arrested Muslim Brother not to talk about the case, according to human rights contacts.

The precise number of political prisoners is unclear. Human rights groups estimated that there were at least 325 political prisoners remaining in Saidnaya prison, including Kurds, Islamic fundamentalists, and a number of civil society activists. At least 150 political prisoners were held in Adraa prison, including the 6 "Damascus Spring" prisoners. In addition, human rights organizations noted that an undetermined number of persons were detained in other prisons, security service detention centers, or other secret detention facilities; estimates range from several hundred to one thousand.

There also were Jordanian, Lebanese, and Palestinian political prisoners. A number of human rights organizations estimated that there were between 25 and 250 remaining Lebanese prisoners in Syria. Estimates of the numbers of prisoners were difficult to confirm because different branches of the security services, which maintained their own prison facilities, held a significant number of prisoners, and there was no centralized tracking system for prisoners. Prisoners were frequently held for extended periods of time without trial and without information given to their families. Estimates were also difficult to confirm because the government did not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or the subsequent sentencing of detainees to prison (see section 1.e.).

Former prisoners were subject to a so-called "rights ban," which begins from the day of sentencing and lasts for seven years after the expiration of the sentence in the case of felony convictions. Persons subjected to this ban were not allowed to vote, run for office, or work in the public sector; they often also were denied passports. In practice restrictions could continue beyond that period.

Amnesty.—On February 12, the president ordered the release of 55 political prisoners who had spent up to 20 years in jail. Most freed prisoners were being held for, or had been convicted of, belonging to an Islamist group.

On March 30, a presidential pardon was announced for 312 political prisoners, including many Kurds who had been detained since March 2004.

A November 3 presidential decree granted amnesty to 190 political prisoners, coinciding with the end of the holy month of Ramadan. Most freed prisoners were Islamists and had been long-term detainees. Local human rights groups reported that at least 500 political prisoners were known to remain in government prisons (see section 1.e.).

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, courts were regularly subject to political influence.

The judicial system is composed of civil and criminal courts, military courts, the SSSC, and religious courts, which adjudicate matters of personal status such as divorce and inheritance (see section 5). The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court rules on the constitutionality of laws and decrees and hears special appeals regarding the validity of parliamentary elections; however, it does not hear appeals from the civil and criminal justice system.

Trial Procedures.—Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts are entitled to legal representation of their choice; the courts appoint lawyers for indigents. Defendants are presumed innocent, and they are allowed to present evidence and to confront their accusers. Trials are

public, except for those involving juveniles or sex offenses. Defendants can appeal verdicts to a provincial appeals court and ultimately to the Court of Cassation. Appeals were often difficult to win because the lower courts do not provide verbatim transcripts of cases—only summaries prepared by the presiding judges. There are no juries. Defendants and their attorneys have access to government-held evidence relevant to their cases. However, human rights lawyers noted that the prosecution case file to which defense lawyers were provided access often did not include any evidence in some politically charged cases.

The law extends the above rights to all citizens in criminal cases. However, a number of sections of family and criminal law are based on Shari'a (Islamic law) and do not treat men and women equally. Furthermore, a number of personal status laws utilize Shari'a regardless of the religion of those involved in the case (see section 5).

Regular military courts have authority over crimes committed by soldiers or members of other military or police branches. Military courts also have authority to try civilians in cases based on military law. A military prosecutor decides the venue for a civilian defendant. There have been reports that the government operated military field courts in locations outside established courtrooms. Such courts reportedly observed fewer of the formal procedures of regular military courts.

On October 18, prominent human rights activist Haithem al-Maleh appeared before a military court to face charges of slander against government officials. Maleh was charged on three counts, including slandering the president, the army, and civil servants, based on a letter he wrote to President Bashar al-Asad. His case was pending at the end of the year.

On December 18, the Damascus Military Court charged lawyer and opposition figure Hassan Abdul Azeem with publication of material by an illegal organization. His case was scheduled proceed in 2006 (see section 1.d.).

The trial of approximately 200 Kurds accused of involvement in the March 2004 riots at the military court of Damascus ended with a pardon on March 30 (see section 1.d.).

The SSSC tries political and national security cases and operates under the provisions of the 1963 Emergency Law; the SSSC does not observe constitutional provisions safeguarding defendants' rights. Its verdicts are not subject to judicial appeal. The Minister of Interior may ratify, nullify, or alter SSSC rulings. The president must approve the verdict or may cancel it and ask for a retrial. Charges against defendants before the SSSC were usually vague. Defendants appeared to be tried for exercising basic political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," and creating "sectarian strife." The government stated that the SSSC tries only persons who have sought to use violence against the state, but the majority of defendants who appeared before the SSSC were prosecuted for exercising their political rights.

Under SSSC procedures, defendants are not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Trials usually were closed to the public. Lawyers were not ensured access to their clients before the trial and were excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submitted written defense pleas rather than making oral presentations.

In contrast with 2004, there were no cases in which a lawyer representing defendants in a national security case had his license to practice suspended. However, the SSSC presiding judge continued his courtroom ban of one human rights lawyer (in effect since 2001) and banned a second lawyer in November.

Human rights organizations estimated that hundreds of cases are tried by the SSSC annually. The majority of cases involved charges relating to membership in various banned political groups, including religious parties such as the Muslim Brotherhood, the Islamic Liberation Party, as well as the Party of Communist Action, and Syrian Kurdish parties. Sentences up to 15 years have been imposed in the past.

The trial of the "Dumar 15," a group of 15 Kurdish men arrested in the aftermath of riots in the Dumar neighborhood of Damascus in March 2004, ended in February when the SSSC sentenced them to 2 to 3 years in jail for their involvement in the riots; however, they were released one month later as part of a presidential pardon.

On March 6, the SSSC sentenced two students, Mohammed al-Debs and Mohammed al-Arab, to three years in prison for their participation in an April 2004 protest. They were later granted amnesty as part of the March 30 presidential amnesty decree.

On June 19, the SSSC sentenced 17-year-old Musab al-Hariri to death because of his family's affiliation with the Muslim Brotherhood; the court then reduced the sentence to 6 years in prison. Hariri was detained while returning to the country

in 2002, at the age of 14, after living in Saudi Arabia for most of his life (see section 5).

On June 26, human rights activist Aktham Naissa, after a year of court deliberations, was acquitted by the SSSC for a "lack of evidence." He was arrested in March 2004 for participating in a protest in front of parliament and issuing a report criticizing the government's human rights record.

On September 25, the SSSC sentenced Ali Mahmoud Ali Muhammad, Hashim Ameen, and Shaheen Mohammad Hussein to five years in prison after they were convicted of a secret organization that seeks territorial independence for belonging to and annexation to another country.

On November 27, Kurdish activist Shevan Abdo was sentenced to two-and-one-half years on charges related to the 2004 Qamishli uprising (see section 5).

On December 4, the SSSC sentenced accused Muslim Brotherhood member Omar Darwish to death, commuted to 12 years in prison.

Human rights NGOs were not permitted to visit the SSSC; however, local lawyers affiliated with local human rights NGOs acted as defense counsel in some cases (see section 4).

Political Prisoners.—The precise number of political prisoners was not clear. Human rights groups estimated that there were approximately 325 political prisoners in Saidnaya prison, 150 in Adraa prison, and possibly up to several hundred to a thousand more political prisoners in other prisons, security service detention facilities, or other secret detention facilities throughout the country. Human rights activists were unable to provide any precise data on these additional prisoners. The government did not permit regular access to political prisoners by international humanitarian organizations. Human rights groups reported that many political prisoners serving long-term sentences remained in prison, despite the expiration of their sentences.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Emergency Law authorizes security services to enter homes and conduct searches without warrants if broadly defined security matters are involved. The security services selectively monitored telephone conversations and fax transmissions. The government opened mail addressed to both citizens and foreign residents. The government routinely monitored Internet communications, including e-mail, and blocked access to some Internet sites (see section 2.a.). In a November report, HRW noted that all three of the country's Internet service providers (ISPs) regularly blocked access to a variety of Web sites, noting that sites like elaph.com, thisissyria.net, groups.msn.com, and arabtimes.com had been blocked in the past. In February 2004, authorities shut down the proreform Web site all4syria.org.

The government detained relatives of detainees or of fugitives to obtain confessions or the fugitive's surrender (see section 1.d.).

The government forcibly resettled a number of individuals during the year. Local human rights organizations reported that on October 23, the governor of the predominantly Kurdish province of Hassakah ordered the relocation of Kurdish artist and activist Anwar Nasu from the city of A'muda to the village of Sufeya.

The government and the Ba'ath Party monitored and attempted to restrict some citizens' visits to foreign embassies and cultural centers. In December a foreign cultural center was forced to cancel a lecture after authorities denied permission for a presentation of a paper on Iraq policy written by a Syrian national.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and the press; however, the government significantly restricted these rights in practice, relying when necessary on Emergency Law provisions that suspend such rights and supersede constitutional practices. The government strictly controlled the dissemination of information and prohibited criticism of the government and discussion of sectarian issues including religious and ethnic minority rights. There were detentions and beatings for individual expressions of opinion that violated these restrictions, including, among others, the arrests of Habib Saleh, Mohammed Deeb, Nizar Rastanawi, and Riyadh Drar al-Hamood (see section 1.d.). In April and June, government officials warned civil society activist Ammar Abdulhamid to cease making public comments and writing editorials in the regional and Western press critical of the government. The government also threatened activists in an attempt to control behavior. Journalists and writers practiced self-censorship, particularly after the release of the first interim UNHCR report in October. In May a number of civil society activists created the first independent media watchdog group called Hurriyat, although it was not particularly active. The goal of the group was to liberalize the media and end government censorship of the press. In December 2004 the Ministry

of Information recommended the licensing of an independent association of journalists; however, at year's end, no license had been issued (see section 2.b.).

A number of quasi-independent periodicals, usually owned and operated by figures with good government connections, were published during the year, including the National Progressive Front's (NPF) Communist party newspaper *The People's Voice*; the NPF's Socialist Union party's private newspaper *The Unionist*; a private weekly newspaper, *Black and White*; and *The Economist (Al-Iktissad)*, which was sometimes critical of government performance. In June the Ministry of Information revoked the license of the satirical magazine *Al-Mubki* for critical comments about the government. A similar incident occurred with the financial magazine *Al-Mal* in May, when thousands of copies were confiscated for publishing an interview with businessman Firas Tlas, son of the long-serving former minister of defense Moustafa Tlas, which was critical of the government's economic policy.

The print and electronic media at times were critical of the Ba'ath Party and government performance and reported openly on a range of social and economic issues. In March 2004 a journalist for the government-owned daily *Al-Thawra* (Revolution) was fired over an article he wrote on pollution in the drinking water in Hassakah Province. The journalist was later reinstated after a campaign by *Al-Iktissad* magazine. Some Damascus-based correspondents for regional Arab media were able to file reports on internal political issues, such as rumored governmental changes, new political discussion groups, and the possible introduction of new parties, to the NPF.

The media covered some Israeli-Palestinian developments factually, but others were reported selectively to support official views. Unlike in the previous year, the government-controlled press decreased its coverage of official corruption and governmental inefficiency during the year. A few privately owned newspapers were published during the year, and foreign-owned, foreign-published newspapers continued to circulate relatively freely.

The government or the Ba'ath Party owned and operated radio and television companies and most of the newspaper publishing houses. The Ministry of Information closely monitored radio and television news programs to ensure adherence to government policies. The government did not interfere with broadcasts from abroad. Satellite dishes were widely used and available.

In April Al-Hurra Television cancelled a series of live interviews broadcast from Damascus after the first episode, citing government pressure to change its guest lineup.

Emergency Law and penal code articles dealing with crimes against state security allowed the government broad discretion to determine what constitutes illegal expression. The Emergency Law prohibits publication of "false information" that opposes "the goals of the revolution" (see section 1.e.), essentially ensuring that only a Ba'athist government view is permitted to circulate via the local media. Penal code articles prohibit acts or speech inciting confessionism.

The 2001 Publications Law permits the reestablishment of publications that were circulated prior to 1963 and establishes a framework in which the NPF, as well as other approved private individuals and organizations, would be permitted to publish their own newspapers. However, the law also stipulates imprisonment and stiff financial penalties as part of broad, vague provisions prohibiting the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of publishing such information are subject to prison terms ranging from 1 to 3 years and fines ranging from \$10 thousand to \$20 thousand (500 thousand to 1 million Syrian pounds). The amendments to the publications law also impose strict punishments for reporters who do not reveal their government sources in response to government requests.

Security forces continued to arbitrarily arrest and detain a number of persons with views critical of the government (see section 1.d.).

During the year journalists were harassed by government forces. On March 15, the Ministry of Information announced that Ammar Mussareh, correspondent for the Arabic-language television station Al-Hurra, could no longer work in the country because of invalid accreditation. According to a local human rights organization, Mussareh had valid accreditation before it was withdrawn by the government due to his coverage of an opposition sit-in staged in Damascus on March 10 (see section 2.b.).

In March a municipal official and policemen threatened Assif Ibrahim, a journalist with the official daily newspaper of the Ba'ath Party and subsequently damaged the door of his home. This occurred after Ibrahim reported about corruption in a Damascus neighborhood where a building under construction allegedly violated safety standards.

According to a March 16 Reporters Without Borders report, Minister of Information Mahdi Dakhallah announced the withdrawal of permission to publish *Al-Ousboua Al-Iktissadi*, a business weekly; *Al-Riyadiya Wa Al-Chabab*, a new magazine for young sports fans; *Al-Saleb wa Al-Moujeb*; and one other newspaper before publishing their first issues. Only *Al-Saleb wa Al-Moujeb* was subsequently granted permission.

Unlike in previous years, the government did imprison journalists during the year for failing to observe press restrictions. In April the SSSC acquitted journalist Ibrahim Hamidi on charges of "publishing unfounded news" in violation of the publications law. Hamidi was arrested in late 2002 and was released on bail in May 2003.

On June 15, the Arabic Network for Human Rights in Syria, an independent NGO, reported the 2002 detention of journalist Anwar Saat Asfari. Asfari's whereabouts remained unknown at year's end.

The government prohibited all Kurdish language publications and arrested journalists who wrote in favor of greater Kurdish rights.

The trial of journalist and student Massud Hamid, arrested in 2003 for posting a picture of the June 2003 Kurdish United Nations Children's Fund (UNICEF) protest on a banned website, continued into 2004. The SSSC sentenced Hamid to 5 years in prison (minus time served) on October 10, 2004. Hamid remained incarcerated in Adraa prison at year's end.

The Ministry of Information and the Ministry of Culture and National Guidance (MCNG) censored domestic and imported foreign press. Publication or distribution of any material deemed by security officials as threatening or embarrassing to high levels of the government was prohibited. Censorship usually was stricter for materials in Arabic.

The MCNG also censored fiction and nonfiction works, including films. It also exercised the right of approval over films shown at cultural centers operated by foreign embassies. The government prohibited the publication of books and other materials in Kurdish; however, there were credible reports that Kurdish language materials were available in the country (see section 5).

Internet and e-mail access was limited but growing. The government blocked access to selected Internet sites that contained information deemed politically sensitive or pornographic in nature. The government banned access to foreign-based websites of unlicensed opposition parties and to news websites published in the country that were critical of the government (see section 1.f.). Several news Web sites not overtly critical of the government remained accessible.

The government restricted academic freedom. Public school teachers were not permitted to express ideas contrary to government policy; however, authorities permitted slightly more freedom of expression at the university level. The government changed its policy in 2002 to allow non-Ba'ath party members to study political science at the University of Damascus Political Sciences Institute, which had previously been part of the National Command and open only to Ba'ath Party members. Ba'ath Party members were also given preferential admissions treatment into the university.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The constitution provides for the right of assembly; however, the right is superseded by Emergency Law provisions and the government did not respect this right in practice. Ministry of interior permission is needed for demonstrations. The government or the Ba'ath Party organized most public demonstrations.

The government required political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. Despite these restrictions several domestic human rights and civil society groups held meetings without registering with the government or obtaining prior approval. In many instances the government took steps to disrupt such gatherings or prevent them from occurring.

A limited number of demonstrations occurred during the year, most of which were permitted or organized by the government. In March a government-approved demonstration to show national unity in the wake of the Syrian withdrawal from Lebanon drew tens of thousands of pro-Ba'ath party supporters. There were also several smaller-scale demonstrations during the year by human rights activists, which were not government-supported. The government routinely disrupted such efforts, in some cases making arrests.

On March 10, a peaceful civil society protest in Damascus, calling for the end to the Emergency Law and marking the first anniversary of clashes between Kurds, Arab tribes, and security forces in the town of Qamishli, was broken up by

proregime demonstrators. Observers reported that the government encouraged the violence and apparently helped organize the counterdemonstration. The counterdemonstrators and security forces violently attacked the civil society activists and camera crews from several international news agencies, smashing or confiscating their cameras.

In May civil society leaders organized a protest near the SSSC calling for an investigation into the May 10 disappearance of Kurdish Sheikh Mashook al-Khaznawi and the release of all political prisoners. Police and security officials prevented participants in the protest from reaching the protest by blocking the streets around it. After Khaznawi was found murdered on June 1, various Kurdish political parties organized a protest asking for a full investigation into the case. Police responded harshly by arresting and detaining approximately 60 Kurds. They were released in August.

On May 30, authorities dispersed a peaceful sit-in in downtown Damascus of 100 civil society activists protesting the crackdown on civil society and the May 24 arrest of 8 Atassi Forum board members.

On June 21, police and security officials permitted human rights activists to hold a candle-light vigil near the SSSC calling for the release of all political prisoners, especially the "Damascus Spring" detainees.

In July a group of villagers in the province of ar-Raqqa protested against government seizure of their farmland. Authorities subsequently arrested 16 women protesters (see section 1.d.). Four of the women were released a number of days after arrest, while 12 others were held for approximately 1 month and then released.

On October 5, police broke up a protest of about 100 demonstrators who were commemorating the 1962 Syrian census, which effectively stripped 120 thousand Kurds of citizenship.

On October 24, protestors, comprised of mainly youth and students, rallied in a government-sponsored demonstration in front of the Central Bank in Damascus, protesting the conclusions contained in the UN report on the investigation into the February assassination of former Lebanese prime minister Rafiq al-Hariri. The Ba'ath Party provided the backing and organizational support for the demonstration, and protestors carried placards and banners with a range of political messages. A similar demonstration took place in Aleppo the same day.

On November 10, thousands gathered at Damascus University at a government-sponsored rally that coincided with President al-Asad's address to the nation.

On November 13, approximately 12 men were detained by police authorities following a spontaneous demonstration by family members of SSSC defendants, protesting the lack of visitation rights and criticizing the government. Police beat the men with sticks and detained them for several hours. On November 14, protester Mohamed Abdelhalim al-Halim al-Kelany was redetained by Air Force Intelligence; he was released in December (see section 1.d.).

In November and December, a number of government-related entities sponsored permanent protest venues in locations across Damascus. Protests and vigils held at al-Rawda Square and at the nearby al-Umawiyeen Circle repeatedly drew tens to hundreds of protesters.

On December 10, government authorities in Damascus broke up a protest by about 100 demonstrators commemorating Human Rights Day, using sticks to disperse the protesters.

In February 2004 security forces detained 10 students at the University of Aleppo for protesting Decree #6, which ended the government's policy of guaranteeing employment to all engineering graduates. Eight of the students were released the following month; however, dozens of students were expelled from university for their participation. The two remaining students, Mohammed al-Arab and Mohammed al-Debs, were detained for almost a year before the SSSC found them guilty in March of participating in the protest. They were released later in the month as part of a presidential pardon (see section 1.e.).

Freedom of Association.—The constitution permits private associations, but it also grants the government the right to limit their activities. In practice the government restricted freedom of association. Private associations are required to register with authorities, but requests for registration were usually denied, presumably on political grounds. The government usually granted registration to groups not engaged in political or other activities deemed sensitive.

Associative life was often restricted. For example, in June, July, August, and December, the government prevented the Atassi Forum from meeting because, according to media reports, the meetings would "damage national unity." A number of forum members were arrested in May and subsequently released for their involvement in the reading of a statement from the Muslim Brothers at a May 7 meeting.

In June authorities prevented a lecture by Dr. Mohammed Habash, a Syrian member of parliament (MP), at his Islamic Studies Center in Damascus.

In August authorities prevented a meeting of the Council for the Revival of Civil Society at the home of Dr. Hazem al-Nahar.

On August 5, a gathering of a new democratic party was broken up by government police and security officials in a rural Damascus town.

On October 16, authorities broke up a press conference held by drafters and signers of the Damascus Declaration, a civil society/opposition document that called for greater freedom and the rescinding of the Emergency Law. On November 11, government authorities prevented members of the Damascus Declaration group from meeting.

On December 10, government authorities prevented civil society gatherings at two different sites in Tartous.

In August 2004 the government denied registration to the AOHR and the Syrian Human Rights Organization (also known as SWASIAH, or "equal"). The CDF and HRAS were both denied registration in the past, and both organizations operated without government permission or support. All four organizations continued operation during the year.

The government did not permit the establishment of independent political parties (see section 3). Two new parties were established during the year but did not receive licenses from the government.

In December 2004 the Ministry of Information recommended the licensing of an independent association of journalists who report for regional Arab media, according to press reports. The five-year effort by journalists to form the association had long been blocked by the government (see section 2.a.). By year's end no license had yet been issued.

The executive boards of professional associations were not independent. Although members of the Ba'ath Party generally led the associations, nonparty members could serve on their executive boards.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the government generally respected this right in practice; however, it imposed some restrictions. There is no official state religion. Arab Sunni Muslims constituted 65 percent of the population; Sunni Kurds represented another 9 percent.

All religions and religious orders must register with the government, which monitored fundraising and required permits for all meetings by religious groups, except for worship. There was a strict separation of religious institutions and the state. Religious groups tended to avoid any involvement in internal political affairs, except for occasional regime-supported initiatives such as the October calls in many Syrian mosques for national unity and support for the government in the face of international pressures associated with the UNIIIC investigation. The government, in turn, generally refrained from involvement in strictly religious issues. The government approves all textbooks that present religion as a way to foster national unity and tolerance.

The government considered militant Islam a threat and followed closely the practice of its adherents. The government allowed many new mosques to be built; however, sermons were monitored and controlled.

All schools are overseen by the government and nonsectarian; however, Christian and Druze minorities operated a number of schools, following state curriculum. There was mandatory religious instruction in schools, with government-approved teachers and curriculums. Religion courses were divided into separate classes for Muslim and Christian students. Although Arabic is the official language in public schools, the government permitted the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean as "liturgical languages."

Muslims and Christians are subject to their respective religious laws on marriage and divorce. However, all citizens are subject to Sharia'a-based child custody, adoption, inheritance, and guardianship laws (see section 5).

Although the law does not prohibit proselytizing, in practice the government discouraged such activity, deeming it a threat to relations among religious groups. Foreign missionaries were present but operated discreetly.

Government officials occasionally used radio and television programming, news articles, and other mass media to condone anti-Semitic material, and in some instances to support its export. On November 8, Syrian TV broadcast an interview with Deputy Minister of Religious Endowments Muhammad Abdul Sattar al-Sayyed in which he stated that Syria serves as "the last line of defense" against "Zionist plots which aim to put on the throne of the Middle East the descendants of . . . those whom the Koran called the descendants of apes and pigs."

The government-controlled press regularly published anti-Israel articles. On January 26, editorialist Ghassan Mahfouz wrote in *Tishrin* newspaper that Israel had

used “all sorts of biased propaganda based on the pretext of the holocaust event, which their gangs participated in. Those are the leaders of the Zionist movement, personified by the experienced criminal Mr. Ariel Sharon and other killers and racists who surround him.” Another *Tishrin* editorialist, Izz-al-Din al-Darwish, wrote in a July 31 editorial that “Syria is targeted by an intensive media campaign managed and financed by Zionist circles.” *Tishrin* also regularly used anti-Semitic caricatures to represent Israel in editorial cartoons.

Societal Abuses and Discrimination.—In January an updated edition of *The Protocols of the Elders of Zion*, a notorious anti-Semitic tract, was published by a Syrian publishing company, which credited the Ministry of Information with approving the text. The 2005 edition was expanded to include Islamic sources in support of anti-Semitic allegations. In 2003 a private Syrian film company also produced an anti-Semitic television series, *Ash-Shatat* (The Diaspora), which was filmed inside the country. The theme of the program centered on the alleged conspiracy of the “Elders of Zion” to orchestrate both world wars and manipulate world markets to create Israel. Although national television declined to air the program, it was shown on the Hizballah-affiliated Lebanese satellite television station Al-Manar. The closing credits of the programs gave “special thanks” to various Syrian government ministries, including the Interior Ministry, the Culture Ministry, the Damascus Police Command, and the Department of Antiquities and Museums.

The government continued to bar the approximately 80 Jewish citizens from government employment and exempted them from military service obligations. Jews also were the only religious minority group whose passports and identity cards noted their religion. Jewish citizens had to obtain permission from the security services before traveling abroad and faced extra government scrutiny when applying for licenses, deeds, or other official documents. The government enforced a law against exporting historical and cultural treasures to prohibit the Jewish community from sending historical Torahs abroad.

The government banned Jehovah’s Witnesses in 1964 as a “politically motivated Zionist organization”; however, members of Jehovah’s Witnesses have continued to practice their faith privately despite the ban.

The constitution prohibits sectarianism, although it specifies that the president must be a Muslim; however, in the case of Alawis, religious affiliation facilitated access to influential and sensitive posts.

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 constitution provides for the right of free movement “within the territories of the state unless restricted by a judicial decision or by the implementation of laws”; however, the government limited freedom of movement in practice. Travel to Israel is illegal, and the government restricts travel near the Golan Heights. The law provides for the prosecution of any person attempting to seek refuge in another country or travel abroad illegally. The government also denied human rights activists, leaders of opposition groups, and other individuals’ permission to travel abroad.

Women over the age of 18 have the legal right to travel without the permission of male relatives; however, a husband or a father could file a request with the Ministry of Interior to prohibit his wife or daughter’s departure from the country (see section 5).

The government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature.

The government has refused to recognize the citizenship of or grant identity documents to some persons of Kurdish descent. There are approximately 300 thousand stateless Kurds in Syria. Lack of citizenship or identity documents restricted their travel to and from the country (see section 5). Syrian émigrés who did not complete mandatory military service could pay a fee to avoid conscription while visiting the country. During the year a number of émigrés were imprisoned for refusing to pay the fee.

During the first three-quarters of the year, citizens of Arab League countries were able to enter the country without a visa for a stay of up to three months, a period that could be renewed. Residency permits required proof of employment and a fixed address in the country. While visa-free entry for Arabs continued at year’s end, the Interior Ministry issued a circular on October 27 informing immigration and security offices that nonpermanent resident males between the ages of 18 and 30 could be denied entry under a number of conditions, including travel alone, student or re-

cent graduate status, residence in a country other than their own, and suspicious travel abroad.

The constitution prohibits forced exile, and there were no reports of forced exile during the year.

Protection of Refugees.—The government is not a party to either the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol. It generally cooperated with the office of the United Nations High Commissioner for Refugees (UNHCR) and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in assisting refugees and asylum seekers and respected the UNHCR's eligibility determinations regarding asylum seekers. The government also participated in a UNHCR training seminar in international refugee law in March. However, UNHCR reported that a significant number of Iraqis were refused entry into the country during the year. It also reported that it had to intervene in several instances to prevent the deportation of persons issued UNHCR asylum seeker cards.

As of October 1, 429,399 Palestinian refugees were registered with UNRWA in the country. The General Authority of Palestinian Arab Refugees in Syria (GAPAR), the government agency established to coordinate assistance and protection to refugees, continued to provide assistance to Palestinian refugees during the year. Palestinian refugees with Syrian travel documents generally reported little difficulty traveling in and out of the country. In November the government admitted 19 Palestinian refugees fleeing Iraq to a refugee reception camp facility UNHCR established at El Hol in 2003 in anticipation of hostilities in Iraq.

Since 1991 thousands of Iraqis have applied for refugee status and have received legal and material assistance from the UNHCR in the country. In early 2003 the government agreed to admit persons displaced by the hostilities in Iraq. The government generally continued to honor UNHCR's request that states maintain some temporary protection for all Iraqi asylum seekers, including new arrivals, persons whose applications have been rejected, and recognized refugees whose cases had been suspended by resettlement countries during the year.

However, UNHCR reported that some Iraqis were deported during the year. There were estimates that between 60 thousand to a few hundred thousand Iraqis were living in the country. According to UNHCR figures, during the year 4,782 persons from Iraq, Somalia, Sudan, Yemen, Afghanistan, Algeria, Chad, Eritrea, Ethiopia, and Iran were recognized as refugees. An additional 3,778 cases of asylum seekers were pending. UNHCR received new applications for refugee status determination from 10,519 individuals during the year, primarily Iraqis. UNHCR did not facilitate any voluntary repatriations during the year. There were five voluntary repatriation cases in 2004.

According to International Organization for Migration (IOM) statistics, between January 1 and November 29, the government granted temporary protection to nine third-country nationals fleeing Iraq en route to Sudan and Morocco. IOM verified that these repatriations to third-countries were voluntary.

There were reports of refugees, particularly Iraqi girls and women, who were forced to work in the country as prostitutes because it was the only means to sustain a living for their families and themselves. No reliable statistics were available regarding the number of refugees working as prostitutes.

There are no direct provisions in Syrian laws which give refugees the right to work. Obtaining a work permit is a lengthy and complicated process; refugees were rarely granted a permit. In reality many refugees found daily labor in the informal sector mainly as guards, construction workers, street vendors, and in other manual labor jobs.

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

The constitution requires that the president be elected by referendum, and the parliament selects presidential candidates at the discretion of the regional Ba'ath party leadership. Although citizens vote for the president and MPs, in practice they did not have the right to change their government.

Elections and Political Participation.—In July 2000 an unopposed referendum confirmed Bashar al-Asad as president for a seven-year term. Citizens are required by law to vote; however, the percentage of women and minorities that voted was unknown.

The president appoints the vice presidents, the prime minister, deputy prime ministers, and the Council of Ministers and has the discretion to change these appointments at will. The president and his senior aides, particularly those in the military and security services, made most political and economic decisions, with a very limited degree of public accountability.

The president and the Ba'ath Party suppressed political opposition. The constitution provides that the Ba'ath Party is the ruling party and ensures it a majority in all government and popular associations, such as workers' and women's groups. The Ba'ath Party and nine other smaller political parties comprise the NPF, originally established in 1971. The NPF represented the only framework for legal political party participation for citizens; however, the Ba'ath Party dominated it, and the one-party character of the political system remained. Other political parties of the NPF were satellites and conformed strictly to Ba'ath party and government policies.

The Ba'ath Party dominated the 250-member parliament, or People's Council. Parliamentarians can criticize policies and modify draft laws; however, the executive branch retains ultimate control over the legislative process. In March 2003 elections for all 250 seats in the People's Council took place for 5-year terms. The election was neither free nor fair. The constitution guaranteed ensuring a permanent absolute majority for the Ba'ath Party, and most seats in parliament were reserved for members of the ruling NPF. The government allowed independent non-NPF candidates to run for 83 seats and required advance approval for candidacy.

In 2002 the government sentenced independent MPs Mamoun Homsy and Riad Seif to five-year prison terms for calling on the government to allow independent political parties to participate in government. The men were serving five-year sentences in the criminal section of Adraa prison, and under the criminal penal code should have been released, three-quarters through their sentence, on good behavior in June.

Women and minorities, with the exception of the Jewish population and stateless Kurds (see section 5), participated in the political system without restriction. There were 2 female cabinet ministers, and 30 of the 250 MPs were women.

The government did not provide figures on the ethnic or religious composition of parliament or the cabinet; however, there was one MP representing the Kurdish Progressive Democratic party and one MP representing the Democratic Assyrian Organization.

In June 2004 the government banned all political activities by the 12 Syrian Kurdish parties, although enforcement has in intensity.

Government Corruption and Transparency.—There were reports of corruption in the legislative and executive branches of the government. In October a presidential decree dismissed 81 judges from their positions in an effort to combat corruption and malfeasance in the judiciary. The dismissal was widely viewed in the country as a legal system sapped by an alarming level of corrupt practices. The government periodically dismissed isolated government officials for corruption, such as the January dismissal of Jamil Ajeeb, director general of the Directorate of Civil Aviation, which was reported in press accounts. It is rarer for the highest-level officials to be exposed to such charges. In nearly all such cases, corruption charges were being used by the regime as a political tool to attack its perceived enemies or rivals.

There are no laws providing for public access to government information.

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

The government did not allow domestic human rights groups to exist legally. In the past human rights groups operated legally but ultimately were banned by the government. During the year there were reports of government harassment of domestic human rights activists.

On October 18, prominent human rights activist Haithem al-Maleh appeared before the military court to face charges of slander against government officials (see section 1.e.).

On October 19, lawyer and human rights activist Anwar al-Bunni came out of hiding after the government dropped an arrest warrant for him on apparently trumped-up charges of physical assault. On October 20, three men on motorbikes attacked and beat al-Bunni in Damascus. AI reported that this assault may have been ordered or carried out by state officials.

On December 18, lawyer and opposition figure Hassan Abdul Azeem was charged by the Damascus Military Court with publishing material by an illegal organization. The charges were related to the publication and distribution of reform-oriented material by the opposition umbrella group of which he is the spokesman (see section 1.e.).

In 2004 the government denied registration to AOHR and SWASIAH. CDF and HRAS were both denied registration in the past but continued to operate illegally. All four organizations operated in a limited capacity during the year (see section 2.b.).

The government last met with international human rights organizations in 1997. As a matter of policy, the government has denied to international human rights

groups that it commits human rights abuses. The government has also stated that it responds in writing to all inquiries from NGOs regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee attached to the Ministry of Social Affairs and Labor. However, NGOs have reported that they usually heard nothing from the ministry. The government normally responded to queries from human rights organizations and foreign embassies regarding specific cases by claiming that the case was still under investigation and the prisoner could therefore not be released, or that the prisoner in question violated national security laws.

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

The constitution provides for equal rights and equal opportunity for all citizens, and discrimination based on race, sex, disability, language, or social status is prohibited; however, membership in the Ba'ath Party or close familial relations with a prominent party member or powerful government official helped economic, social, or educational advancement. Party or government connections paved the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the government, the military, and the security services. Certain prominent positions, such as that of provincial governor, were reserved solely for Ba'ath party members. There was governmental and societal discrimination against stateless Kurds and Jews (see section 2.c.).

Women.—Violence against women occurred, but there were no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases were likely unreported, and victims generally were reluctant to seek assistance outside the family. In some cases observers reported that the abused women tried to file a police report, but the police did not respond aggressively, if at all, to their claims. Women reported incidents at police stations of sexual harassment, verbal abuse, hair pulling, and slapping by police officers when attempting to file police reports, particularly at the Criminal Security branch at Bab Musallah in Damascus. Battered women have the legal right to seek redress in court, but few did so because of the social stigma attached to such action. The Syrian Women's Federation offered counseling services to battered wives to remedy individual family problems. The Syrian Family Planning Association also provided counseling in an effort to address the problem. Some private groups, including the Family Planning Association, organized seminars on violence against women. There were a few private, nonofficial, specifically designated shelters or safe havens for battered women who fled or tried to flee from their husbands. In December 2004 representatives of all government agencies were required to attend a gender issues training seminar with representatives of domestic women's NGOs.

The Syrian Agency for Family Affairs reports directly to the prime minister and reviews the legal and social status of women and children, and coordinates with NGOs that provide services to women and children.

Rape is a felony; however, there are no laws against spousal rape. According to the law, "the punishment for a man who rapes a woman (other than his wife) is at least 15 years in prison." However, if the individual who commits the crime agrees to marry the victim, he faces no punishment. The victim's family sometimes agrees to this arrangement to avoid the social scandal and stigma attached to rape. If the victim is too young for marriage, the rapist receives a longer prison sentence. No statistics were kept on spousal rape because it is not a crime under the law.

The law specifically provides for reduced sentences in "honor" crimes, which are violent assaults by a male against a female, usually a family member, with intent to kill for alleged sexual misconduct. No official statistics were kept on honor crimes. There was one example of a woman who was forced to move from her rural village to a major city because her family assaulted her and threatened to kill her and her Christian boyfriend for having sex outside of marriage. In August a man stabbed and shot to death his 23-year-old sister Huda Abu Assaly, who he believed betrayed the family's honor by secretly marrying a Christian man she had met while studying at Damascus University. There were no reports of the authorities arresting and charging the brother for the killing. In September a woman from Afrih suspected by her family of engaging in premarital sex was killed by her brother and father. No charges were filed against them.

The law prohibits prostitution, and it was not a widespread problem among female citizens. There was growing evidence that it was a problem among Iraqi women residing in the country, especially minors (see section 5, Trafficking).

The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment was rarely reported.

The constitution provides for equality between men and women and equal pay for equal work. Moreover, the government sought to overcome traditional discriminatory attitudes toward women and encouraged women's education by ensuring equal access to educational institutions, including universities. However, the government has not changed personal status, retirement, or social security laws that discriminate against women. In addition, some secular laws discriminate against women. For example, under criminal law, if a man and woman separately commit the same criminal act of adultery, the woman's punishment is double that of the man's.

Christians, Muslims, and other religious groups are subject to their respective religious laws on personal status issues of marriage and divorce. For Muslims, personal status law is based on the government's interpretation and application of Shari'a. This application of laws discriminated against Muslim women.

Husbands and wives can claim adultery as grounds for divorce; however, criminal law discriminates against women in this regard. A man can only be accused of adultery if his actions occur in the home which he shares with his wife; a woman can be accused of adultery regardless of venue. Also, the court accepts any evidence a man presents when claiming adultery; if a woman attempts to file for divorce based on adultery, her husband must admit to the crime or there must be a third witness to the act. There were no reported cases where a woman successfully filed for divorce based on adultery.

A divorced woman might not be entitled to alimony in some cases, particularly if she gave up her right to it in order to persuade her husband to agree to the divorce.

Regardless of divorce or other circumstances, the law provides that a child is entitled to financial support of a minimum of \$20 (1 thousand Syrian pounds) per year.

In addition, under the Personal Status Law modified in October 2003, a divorced mother loses the right to physical custody of her sons when they reach the age of 13 and of her daughters at age 15. Guardianship, or control over exercise of the legal rights of the children, always remains with the paternal side of the family.

Inheritance for Muslims also is based on the government's interpretation of Shari'a. Accordingly, Muslim women usually were granted half of the inheritance share of male heirs. However, male heirs must provide financial support to the female relatives who inherit less. If they do not, females have the right to sue.

Polygyny is legal but was practiced only by a small number of Muslim men.

A husband may request that his wife's travel abroad be prohibited. While official statistics are not available, foreign embassies reported a number of such incidents during the year (see section 2.d.).

Women participated actively in public life and were represented in most professions, including the armed forces. Women were not impeded from owning or managing land or other real property. Women constituted approximately 13 percent of judges, 15 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

Children.—The law emphasizes the need to protect children, and the government organized seminars on child welfare. During the year some of these seminars were organized in cooperation with the local UNICEF office.

The government provided free, public education to citizen children from primary school through university. Education is compulsory for all children, male and female, between the ages of 6 and 12. According to a 2005 joint study by the UNDP and the Syrian State Planning Commission, 49.6 percent of students through the secondary level were female. Nevertheless, societal pressure for early marriage and childbearing interfered with girls' educational progress, particularly in rural areas where the dropout rates for female students remained high.

Palestinians and other noncitizens can send their children to school. Stateless Kurds can also send their children to school but because they do not have any identification, their children cannot attend state universities.

The legal age for marriage is 18 for males and 17 for females. However, a male 15 or older and a female 13 or older may be married if both are deemed by a judge to be willing parties to the marriage and "physically mature" to have children. In the event of a marriage under the legal age limit, there must be consent by the father or grandfather to the marriage. While underage marriage has declined considerably in the past decades, it was still common in the country. It occurred in all communities, but tended to be more prevalent in rural and lesser-developed regions. There were no statistics available on the rates of marriage in the country according to age.

The government provides free medical care for citizen children until the age of 18. There was no legal discrimination between boys and girls in education or in health care.

The law provides for severe penalties for those found guilty of the most serious abuses against children. Although there were cases of child abuse, there was no societal pattern of abuse against children.

Child prostitution and trafficking in children were rare; incidents that arose mainly involved destitute orphans.

In June human rights contacts reported that 60 Kurds were detained following a protest in the northeastern town of Qamishli; some of those arrested were under the age of 18. Human rights organizations also reported multiple cases where security services detained minors and placed them in adult prisons, including the three-year detainment of Musab al-Hariri in an adult detention facility and the detention of Kurdish minors in adult detention centers and prisons following the June protests against the death of Kurdish Sheikh Mashook al-Khaznawi (see section 1.c.).

Trafficking in Persons.—Syria is a destination country for women trafficked from South and East Asia and Ethiopia for the purpose of labor exploitation and from Eastern Europe for sexual exploitation. There were no statistics available on the scope and type of trafficking that exists. There were reports by NGOs and the press that indicate Iraqi women may be subjected to sexual exploitation in prostitution by Iraqi criminal networks in the country, but those reports were not confirmed. A 2003 IOM study indicated that some individuals brought into the country to work as domestic workers suffered conditions that constituted involuntary servitude, including physical and sexual abuse, threats of expulsion, denial or delayed payment of wages, withholding of passports, and restriction of movement. The IOM study documented cases in which manpower agencies in the country that hired foreign domestic workers lured some victims through fraudulent or deceptive offers of employment, despite the fact that such manpower agencies are banned.

The government does not fully comply with the minimum standards to eliminate trafficking and does not have a legal framework governing relations between domestic workers and their employers. It also does not regulate illegal manpower agencies that bring in and, in some cases, facilitate victims' exploitation. The governments of Sri Lanka and the Philippines banned their citizens from taking employment as domestic workers in the country due to a ban on private manpower agencies dealing with foreign domestic workers, who are not covered under most of the country's domestic labor laws. The government does not have a national antitrafficking coordinator, or comprehensive antitrafficking legislation to investigate and prosecute traffickers and manpower agencies that facilitate trafficking.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector work force; however, implementation remained inconsistent. In December 2004 the government implemented regulations reserving 4 percent of government and public sector jobs for persons with disabilities (see section 6.e.). There are no laws that mandate access to public buildings for persons with disabilities.

National/Racial/Ethnic Minorities.—The government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the government's attitude toward the Kurdish minority remained a significant exception.

On March 21, police and security services prevented Kurds living in Aleppo from celebrating their New Year and arrested 40 Kurds the following day for celebrating.

On May 10, Kurdish Sheikh Mashook al-Khaznawi was kidnapped and found murdered several weeks later. Several days after his funeral, a Kurdish protest was organized calling for a full investigation into the circumstances surrounding his murder. Government police, military, and security forces broke up the protest, arresting approximately 60 Kurds, including women and minors. On August 4, they were released but still faced charges (see section 1.d.).

In March 2004 security forces in Qamishli, in the northeastern Hassakah Province, opened fire on a crowd at a soccer match after clashes between Arab and Kurdish fans. The following day crowds rioted in Qamishli, and the security forces again fired on the crowd. Subsequently, riots and demonstrations spread throughout the towns and villages of Hassakah as well as to cities such as Damascus and Aleppo. Thirty-eight persons were killed during the riots, and security forces detained more than 1 thousand persons (see sections 1.a., 1.c., and 1.d.).

Following the 1962 census, approximately 120 thousand Syrian Kurds lost their citizenship, which the government has never restored. As a result, those who lost their nationality, and their children, remained severely disadvantaged in participating in civil life and in receiving government services, including health and education, as well as employment open to citizens. These stateless Kurds, according to Refugees International estimates, numbered approximately 300 thousand. During a June meeting of the Ba'ath party congress, government officials said a solution to

the Kurdish problem was imminent. President Bashar al-Asad also announced in his November 10 address to the nation that the issue would be resolved soon. However, there was no progress on the government's commitments by year's end.

Although the government contended that there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials written in Kurdish (see section 2.a.), Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. The government tacitly accepted the importation and distribution of Kurdish language materials, particularly in the northeast region where most of the Kurds resided.

Section 6. Worker Rights

a. The Right of Association.—While the constitution provides for the right of association and to form unions, in practice, workers were not free to establish unions independent of the government. All unions belonged to the General Federation of Trade Unions (GFTU), which was dominated by Ba'ath Party members and was a part of the government's bureaucratic structure. The GFTU advised the government on legislation, organized workers, and formulated rules for various member unions, controlling nearly all aspects of union activity. The GFTU president was a senior member of the Ba'ath Party, and he and his deputy could attend cabinet meetings on economic affairs.

There were no reports of antiunion discrimination. Since the unions were part of the government's bureaucratic structure, the law protects union members from antiunion discrimination. The GFTU was affiliated with the Damascus-based International Confederation of Arab Trade Unions.

All practicing lawyers in the court belonged to the Syrian Bar Association, whose leadership was dominated by Ba'ath party members.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively; however, this right does not exist in practice as the unions are effectively led by Ba'ath Party officials closely tied to the government. Government representatives were part of the bargaining process in the public sector. Public sector unions did not normally bargain collectively on wage issues, but union representatives participated with representatives of employers from the government-affiliated Chambers of Industry and Commerce and the supervising ministry in establishing minimum wages, hours, and conditions of employment in the private sector. Workers served on the boards of directors of public enterprises, and union representatives were included on the boards.

The law provides for collective bargaining in the private sector, although past repression by the government dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and are able to ask for binding arbitration. In practice labor and management representatives settled most disputes without resort to legal remedies or arbitration. Management has the right to request arbitration, but that right seldom was exercised. Arbitration authority is vested in the ministry of justice administrative petition court. In practice this court did little more than certify agreements and almost no role in arbitrating disputes; as such disputes did not occur with any regularity.

The law does not prohibit strikes; however, previous government crackdowns deterred workers from striking. There were no strikes during the year.

There were no unions in the seven free trade zones (FTZs). Firms in the zones were exempt from the laws and regulations governing hiring and firing, although they were required to observe some provisions on health, safety, hours, and sick and annual leave. Ninety percent of the workers in the FTZs were citizens of the country.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced or compulsory labor, and there were no known reports of such practices involving foreign workers or domestic servants. However, the problem existed. Forced labor was imposed as a punishment for convicted prisoners. The governments of Sri Lanka and the Philippines banned their citizens from taking employment as domestic workers in the country because of abuses and the lack of a mechanism to protect the rights of their citizens.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law provides for the protection of children from exploitation in the workplace; however, the government tolerated child labor. The private sector minimum age for employment is 15 years for most types of nonagricultural labor and 18 years for heavy work. Working hours for youths of legal age were set at six hours per day. Youths were not allowed to work during night shifts, weekends, or on official holidays. In

all cases, parental permission was required for children under the age of 16 to work. While the law prohibits children from working at night, this law applies only to children who work for a salary. Those who work in family businesses and who are technically not paid a salary—a common occurrence—do not fall under the law. Children under 15 are prohibited by law from working in mines, at petroleum sites, or in other dangerous areas. Children are not allowed to lift, carry, or drag heavy objects.

Independent information and audits regarding government enforcement were not available. The majority of children under age 16 who worked did so for their parents in the agricultural sector without remuneration. According to UNICEF, 8 percent of children under the age of 14 participated in the labor force between 1999 and 2003.

The Ministry of Labor and Social Affairs monitored employment conditions for persons under the age of 18; however, it did not have enough inspectors to ensure compliance with the laws. The Labor Inspection Department performed unannounced spot checks of employers on a daily basis to enforce the law; however, the scope of these checks was unknown.

e. Acceptable Conditions of Work.—The minister of labor and social affairs was responsible for enforcing minimum wage levels in the public and private sectors. Public sector minimum wages were about \$62 (3,200 Syrian pounds) per month, plus benefits, including compensation for meals, uniforms, and transportation. Private sector minimum wages were \$65 (3,500 Syrian pounds) per month; however, private sector companies usually paid much higher wages than the minimum. These minimum wages did not provide a decent standard of living for a worker and family. As a result, many workers in both the public and private sectors took additional jobs or were supported by their extended families. The public sector work week was 35 hours; the private sector's was 42.5 hours. Premium pay exists for overtime worked, and a prohibition on excessive compulsory overtime exists in several sectors.

Rules and regulations severely limited the ability of an employer to dismiss a contracted employee without cause.

In December 2004 President Asad signed an amended "Basic Labor Law," which stipulates that public sector entities must reserve 4 percent of government and public sector jobs for persons with disabilities (see section 5). In addition, the law grants employees judicial recourse to appeal dismissals. A committee formed by the minister of justice, the minister of labor, and the chief of the Central Commission for Inspection and Control may make a decision to dismiss an employee, stating the reasons behind the decision. This decision must be approved by the prime minister.

The law does not protect temporary workers and workers without contracts. Neither group is subject to regulations on minimum wages. Small private firms and businesses employed such workers to avoid the costs associated with hiring permanent employees. The law mandates safety in all sectors, and managers are expected to implement them fully. In practice there was little enforcement without worker complaints, which occurred infrequently despite government efforts to post notices regarding safety rights and regulations. Large companies, such as oil field contractors, employed safety engineers.

Officials from the Ministries of Health and Labor were designated to inspect work sites for compliance with health and safety standards; however, such inspections were sporadic, apart from those conducted in hotels and other facilities that catered to foreigners. The enforcement of labor laws in rural areas was more lax than in urban areas, where there were a larger number of inspectors. Workers may lodge complaints about health and safety conditions with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment.

The law provides protection for foreign workers who reside legally in the country but not for illegal workers. There were no credible estimates available on the number of illegal workers in the country.

TUNISIA

Tunisia is a constitutional republic with a population of approximately 10 million, dominated by a single political party, the Democratic Constitutional Rally (RCD). Zine El-Abidine Ben Ali has been the president since 1987. In the October 2004 presidential and legislative elections, President Ben Ali ran against three opposition candidates and won approximately 94 percent of the popular vote, with official turnout quoted as higher than 90 percent of registered voters, although there were indications that voter turnout figures were artificially inflated. A second legislative body, the Chamber of Advisors, was created in a 2002 referendum amending the

constitution. Elections for the Chamber of Advisors were held in July; members were either appointed by the president or elected by parliamentary deputies and other government officials. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, and the government persisted in committing serious abuses. However, the government continued to demonstrate respect for the religious freedom of minorities, as well as the human rights of women and children. The following human rights problems were reported:

- torture and abuse of prisoners and detainees
- arbitrary arrest and detention
- police impunity
- lengthy pretrial and incommunicado detention
- infringement of citizens' privacy rights
- restrictions on freedom of speech and press
- restrictions of freedom of assembly and association

The government signed an agreement to allow the International Committee of the Red Cross (ICRC) to visit all prison and detention facilities in the country. In addition, the government eliminated longterm solitary confinement. In a significant development, the government declared an end to "*depot legal*", or prior review, for newspapers, although other press restrictions continued, including prior review on books.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, on June 17, Moncef Ben Ahmed Ouahichi, a Jendouba resident, died of a cerebral hemorrhage at La Rabta Hospital in Tunis. This followed his arrest June 10 and his release the next day, at which time he was unconscious and bearing bruises, according to the Jendouba regional chapter of the Tunisian Human Rights League (LTDH). Following his death, Ouahichi's defense lawyer filed a case before the public prosecutor calling for an investigation into Ouahichi's death and indicated that authorities prevented him from visiting his client when he was initially in the Jendouba Hospital. The Association for the Struggle Against Torture in Tunisia (ALTT) stated that security agents in Jendouba claimed that Ouahichi, a commercial driver, had "transported terrorists" and that the security agents told Ouahichi's brother not to hospitalize him nor speak publicly of the incident.

In 2004 the LTDH reported that Badreddine Rekeii died in police custody in 2003. Police reportedly told Rekeii's family that he committed suicide, although Rekeii's family did not believe the police report because the body showed signs of abuse. According to Amnesty International (AI), the family called for a further investigation, as the original investigation failed to establish the cause of extensive bruising on his body and a deep wound on his back. There was no further information on whether an investigation was carried out.

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 forces reportedly tortured detainees to elicit confessions and discourage resistance. The forms of torture and other abuse included: electric shock; submersion of the head in water; beatings with hands, sticks, and police batons; suspension, sometimes manacled, from cell doors and rods resulting in loss of consciousness; and cigarette burns. According to AI, police and prison officials used sexual assault and threats of sexual assault against the wives of Islamist prisoners to extract information, to intimidate, and to punish.

Charges of torture in specific cases were difficult to prove because authorities often denied the victims of torture access to medical care until evidence of abuse disappeared. The government maintained that it investigated all complaints of torture and mistreatment filed with the prosecutor's office, and noted that alleged victims sometimes accused police of torture without filing a complaint, which is a prerequisite for an investigation.

According to defense attorneys, local human rights groups, and AI, police routinely refused to register complaints of torture. In addition, judges dismissed complaints without investigation and accepted as evidence confessions extracted through torture. The government may open an administrative investigation of allegations of torture or mistreatment of prisoners without a formal complaint; however,

it was unlikely in those cases to make the results public or available to the lawyers of affected prisoners.

Consistent with an effort to extract information or coerce confessions, more reports of torture came from pretrial detention centers than prisons. Human rights activists, citing prisoner accounts, identified facilities at the Ministry of Interior as the most common location for torture. Political prisoners and Islamists allegedly received harsher treatment than criminals.

Several domestic nongovernmental organizations (NGOs), including the National Council for Freedoms in Tunisia (CNLT) and the Association for the Fight Against Torture in Tunisia (ALTT), reported on multiple torture cases throughout the year. For example, on June 25, according to CNLT, 25-year-old Zied Ghodhbane appeared in court in a state of physical and psychological distress, bearing marks of abuse on his body. He reportedly testified that officials at the Ministry of Interior tortured him by beatings, electrocution, and holding his head under water in detention facilities at the interior ministry after his extradition from Algeria to the country. Defense lawyers for the accused requested that the judge recommend a medical examination, but the judge reportedly ruled that such a request should come from the general prosecutor.

In April authorities sentenced the "Bizerte Group," 11 defendants arrested in 2004 and charged with various terrorism-related crimes, to prison terms ranging from 10 to 30 years. On July 2, the court acquitted five of the defendants, while the remaining six received sentence reductions. The Committee of the Defense of Victims of the Law on Terrorism released multiple communiqués charging that authorities gathered confessions from the group using torture (see section 1.e.).

There were no further developments on reports that three individuals, alleged members of the security forces, assaulted journalist Sihem Ben Sedrine in January 2004 (see section 2.a.), or on reports in October 2004 of an assault on former political prisoner Hama Hammami, whose political party urged the boycott of the October 2004 presidential elections.

In June 2004, according to the International Association for the Support of Political Prisoners (AISPP), the senior official of Borj Erroumi Prison beat and placed in solitary confinement Nabil El Ouaer, whom a military tribunal had sentenced to 15 years of prison in 1992. While in solitary confinement, four other prisoners allegedly raped him. Based on its timing and location, human rights activists believed prison officials sanctioned the incident. El Ouaer conducted a hunger strike and filed a complaint through a lawyer, despite reported pressure from prison officials to withdraw the complaint. When the case received international attention, President Ben Ali ordered the Higher Commission on Human Rights and Basic Freedoms (a state-appointed body) to conduct an inquiry into the case, but the authorities did not publicize the results. According to AI, authorities transferred El Ouaer to three different prisons, admitted him to Rabta Hospital in Tunis, and subsequently released him conditionally in November 2004. El Ouaer reportedly suffered psychological distress as a result of the assault. Despite several requests by his lawyer for an independent criminal inquiry into the assault, no investigation was carried out.

Authorities did not charge any police or security force official with abuse during the year.

Prison and Detention Center Conditions.—Prison conditions ranged from spartan to poor, and generally did not meet international standards. Foreign diplomatic observers who visited prisons described the conditions as "horrible." Overcrowding and limited medical care posed a significant threat to prisoners' health. Sources reported that 40 to 50 prisoners were typically confined to a single 194 square foot cell, and up to 140 prisoners shared a 323 square foot cell. Current and former prisoners reported that inmates were forced to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems.

In March AI reported that most prisoners shared beds or slept on the floor. Contagious diseases, particularly scabies, were widespread, and prisoners did not have access to adequate medical care. Additional discriminatory and arbitrary measures worsened the conditions of detention, particularly when prisoners sought redress for grievances about treatment and conditions.

In 2004 the LTDH released a 63-page report on the country's prisons entitled "The Walls of Silence," which stated that there were approximately 26 thousand prisoners in 29 prisons and 7 juvenile detention centers. The report described a number of abuses, alleging that torture and humiliating treatment of prisoners were widespread.

On April 20, Human Rights Watch (HRW) held a press conference in Tunis to release a report describing the government practice of holding political prisoners in prolonged solitary confinement. During the conference, HRW announced that the government promised not to place prisoners in solitary confinement for more than

10 days, the maximum time allowed for punishment according to the law. Shortly thereafter, the government confirmed that it had eliminated longterm solitary confinement. However, HRW reported that the government continued to keep some political prisoners, most of whom were An-Nahdha leaders, in small-group isolation.

Prison conditions for women were generally better than those for men. Conditions for detainees and convicts were the same.

International and local NGOs reported that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for their families to deliver food to them and to discourage their supporters or the press from inquiring about them (see section 1.b.). The National Council for Liberties in Tunisia (CNLT) reported that other inmates were instructed to stay away from political prisoners and were punished severely for making contact with them.

In April the government reportedly approved access for HRW to make prison visits. Following this verbal agreement, however, HRW submitted a formal request for prison access, but by year's end had received no response. In June the ICRC began conducting prison and detention center visits, following more than a year of negotiations with the government. In December the ICRC reported that prison authorities had respected their mission and had allowed them to conduct visits without obstacle. The government did not permit media to inspect or monitor prison conditions.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but, in practice, arbitrary arrest and detention occurred.

Role of the Police and Security Apparatus.—The Interior Ministry controls several law enforcement organizations including: the police, who have primary responsibility within the major cities; the National Guard, which has responsibility in smaller cities and the countryside; and state security forces, which monitor groups and individuals the government considers to be a dangerous threat, such as opposition parties and leaders, the media, Islamists, and human rights activists.

In general, law enforcement groups were disciplined, organized, and effective; however, there were episodes involving petty corruption and police brutality. Law enforcement organizations operated with impunity, and the police committed attacks, sanctioned by high officials, on dissidents and oppositionists.

In March 2004 the Minister of Interior announced the creation of the Higher Institute of Internal Security Forces and Customs, a new oversight body for law enforcement officers in the ministries of interior and customs. The organization's stated mission was to reinforce human rights and improve law enforcement; however, no information was available about its subsequent operations, and no information was available about punishment of police and prison guards for committing infringements against detainees since 2002.

Arrest and Detention.—The law provides that the police must have a warrant to arrest a suspect, unless the crime committed is a felony or is in progress; however, arbitrary arrests and detentions occurred. The penal code permits the detention of suspects for up to six days prior to arraignment, during which time the government may hold suspects incommunicado. Arresting officers are required to inform detainees of their rights, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications, but those rules were sometimes ignored. Detainees were allowed access to family members when they were not being held incommunicado, although the government did not always facilitate the efforts of family members to identify the whereabouts of their detained relatives.

Detainees have the right to know the grounds of their arrest before questioning, and may request a medical examination. They do not have a right to legal representation during the pre-arraignment detention. Attorneys, human rights monitors, and former detainees maintained that the authorities illegally extended detainment by falsifying arrest dates. Police reportedly extorted money from families of innocent detainees in exchange for dropping charges against them.

The law permits the release of accused persons on bail, and detainees have the right to be represented by counsel during arraignment. The government provides legal representation for indigents. At arraignment, the examining magistrate may decide to release the accused or remand him to pretrial detention.

The government denied detaining anyone for political crimes. The lack of public information on prisoners and detainees made it impossible to estimate the number of political detainees. However, it was likely that the number of those held without charge was low because criminal convictions of dissidents and Islamists were easy to secure under laws prohibiting membership in outlawed organizations and "spreading false information aimed at disturbing of the public order."

In cases involving crimes for which the sentence may exceed five years or that involve national security, pretrial detention may last an initial period of six months

and may be extended by court order for two additional four-month periods. For crimes in which the sentence may not exceed five years, the court may extend the initial six-month pretrial detention by an additional three months only. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties. Complaints of prolonged pretrial detention were common.

Amnesty.—Judges and the government exercised their authority to release prisoners or suspend their sentences, often on conditional parole (see section 1.e.). On March 20, President Ben Ali pardoned an unannounced number of prisoners in commemoration of Independence Day. On March 23, the unregistered Tunisian Islamist An-Nahdha party announced that six of the movement's "former" members were among those released. According to the An-Nahdha statement, all were arrested in the southern town of Gabes in early 1992 and were sentenced to 16 years imprisonment. On July 24, on the occasion of Republic Day, the government again granted amnesty to an unannounced number of prisoners, who were not identified.

On November 4, President Ben Ali pardoned an unknown number of unidentified prisoners. The website of An-Nahdha later claimed that 40 political prisoners were among those released. AISPP listed many of those, convicted in the 1990s for ties to An-Nahdha, as political prisoners, a number of whom had nearly completed 15-year sentences.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the executive branch and the president strongly influenced judicial procedures, particularly in political cases. The executive branch exercised an indirect authority over the judiciary through the appointment, assignment, tenure, and transfer of judges, rendering the system susceptible to pressure. In addition, the president was head of the Supreme Council of Judges, composed primarily of presidential appointees.

The law provides citizens legal recourse to an administrative tribunal to address grievances against government ministries, although government officials rarely respected the tribunal's nonbinding decisions. Throughout the year the government permitted observers from diplomatic missions, members of the European Parliament, and foreign journalists to monitor trials. The government did not permit observers to attend sessions of military tribunals.

In June, as it had in the previous year, the Association of Tunisian Judges (AMT), a 1,700-member professional organization, released a communiqué calling for reform of the recruitment, transfer, and promotion system for judges and proposing more elections of judges to the Supreme Council of Judges, the governing body for the judiciary (see section 2.b.). The government did not officially respond to the association's communiqué, but human rights organizations stated that the government tried to remove AMT leadership due to its demonstrated independence.

The civil court system is a four-tiered hierarchy. At the first level, there are 51 district courts, in which a single judge hears each case. At the second level are 24 courts of first instance, which serve as the appellate courts for the district courts, but they also have original jurisdiction for more serious cases. There is a three-judge court of first instance in each region, empowered to consider all commercial and civil cases. At the third level are three appeals courts. The Court of Cassation or Supreme Court serves as the final court of appeals. The Supreme Court only considers arguments pertaining to points of law. The organization of the criminal court system is similar to that of the civil court system. In most cases, the presiding judge or panel of judges dominates a trial, and attorneys have little opportunity to participate substantively.

Military courts fall under the ministry of defense and an administrative tribunal.

Trial Procedures.—Trials in the regular courts of first instance and in the courts of appeal are open to the public. By law the accused has the right to be present at trial, to be represented by counsel, and to question witnesses; however, judges do not always observe these rights in practice. The law permits the trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts.

The law provides that defendants are presumed innocent until proven guilty "following a procedure offering essential defense guarantees." However, that presumption was sometimes ignored in practice, especially in politically sensitive cases. Defendants may request a different judge if they believe the assigned one is not impartial; however, judges are not required to recuse themselves. There were no reports that judges offered the alternative of community service in political cases.

Although family and inheritance law is codified, civil law judges were known to apply Shari'a (Islamic law) in family cases if the two systems conflicted. For example, codified laws provided women with the legal right to custody over minor chil-

dren; however, judges sometimes refused to grant women permission to leave the country with them, holding that Shari'a appoints the father as the head of the family and the one who must grant children permission to travel. Some families avoided the application of Shari'a inheritance rules by executing sales contracts between parents and children to ensure that daughters received shares of property equal to that of sons.

Lengthy trial delays remained a problem (see section 1.d.). Defendants do not have the right to a speedy trial, nor is there any limit to how much time a case can take. Defense lawyers claimed that judges sometimes refused to let them call witnesses on their clients' behalf or to question key government witnesses. Defense lawyers contended that the courts often failed to grant them adequate notice of trial dates, or to allow them time to prepare their cases. Some reported that judges restricted access to evidence and court records, and in some cases, required all the lawyers working on a case to examine documents together on a single date in judges' chambers, without allowing them to copy relevant documents.

Lawyers and human rights organizations reported that courts routinely failed to investigate allegations of torture and mistreatment and accepted as evidence confessions extracted through torture (see section 1.c.). They noted that the summary nature of court sessions sometimes prevented reasoned deliberation. They also stated that erratic court schedules and procedures were designed to deter observers of political trials.

Military tribunals have the authority to try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge and four military deputy judges. Defendants may appeal the military tribunal's verdict to the civilian Supreme Court, which considers arguments on points of law as opposed to the facts of a case.

Political Prisoners.—The government denied that it held any political prisoners, and there was no definitive information regarding the number, if any, of such prisoners. Nevertheless, in 2004 the AISPP published a list of 542 names of individuals whom it considered political prisoners. The AISPP stated that impediments to gathering information about prisoners made it very likely that the total number of political prisoners was higher. Nearly all of these prisoners were Islamists, but very few were convicted for acts of violence. Most of those who were identified by international human rights groups as political prisoners or prisoners of conscience were arrested for violating laws that prohibit membership in illegal organizations and spreading false information aimed at undermining public order. Many were arrested for disseminating information produced by organizations such as An-Nahdha. Former political prisoners said their identity papers were marked in a way that resulted in their receiving harsher treatment.

On June 15, the government released Lotfi Amoudi, who the AISPP stated was a political prisoner. He had served 14 years in prison and was released in poor health after having undergone a 26-day hunger strike.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions "except in exceptional cases defined by law"; however, the government generally did not respect these prohibitions in practice. Police sometimes ignored the requirement to have a warrant before conducting searches if authorities considered state security to be involved. On March 20, unknown persons broke into AISPP President Mohamed Nouri's car and searched his papers. Nouri charged that the thieves stole his car stereo to disguise the search as a theft.

Authorities may invoke state security to justify telephone surveillance. There were numerous reports by NGOs, the news media, and diplomatic representatives that the government intercepted faxes and emails. The law does not explicitly authorize these activities, but the government stated that the code of criminal procedure implicitly gives investigating magistrates such authority. Many political activists experienced frequent and sometimes extended interruptions of service to home and business telephones, faxes, and the Internet. Human rights activists accused the government of using the postal code, with its broad but undefined prohibition against mail that threatens the public order, to interfere with their correspondence and interrupt the delivery of foreign publications. Security forces routinely monitored the activities, telephone, and Internet exchanges of opposition, Islamist, and human rights activists, as well as journalists, and also placed some under surveillance (see section 2.a.).

Human rights activists claimed that the government used charges of "association with criminal elements" to punish family members of Islamist activists for crimes allegedly committed by the activists. Family members reportedly were denied jobs, business licenses, and the right to travel due to their relatives' activism. They also alleged that relatives of Islamist activists, in jail or living abroad, were subjected

to police surveillance and mandatory visits to police stations for questioning about their activist relatives. The government maintained that the relatives were themselves members or associates of the An-Nahdha movement, and therefore were subject to laws prohibiting membership in or association with that organization.

Human rights activists reported that upon release from prison, detainees suspected of An-Nahdha membership received identity cards marked to restrict their employment, unlike past reports that the identity cards were confiscated. Even if they had not been jailed, the authorities confiscated the identity cards of some activists and Islamists. For example, AISPP member Lasaad Johri has been deprived of an identity card since 1999.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press “exercised within the conditions defined by the law”; however, the government generally did not respect these rights in practice. It limited press freedom and intimidated journalists, editors, and publishers into practicing self-censorship. Security forces closely monitored press activity.

The law prohibits citizens from discussing national politics on foreign radio or television channels during the two weeks prior to national elections; however, there were no cases in which the law was invoked during the year.

Security forces often questioned citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists. The government attempted to influence public meetings by surrounding meeting places with scores of plainclothes policemen (see section 2.b.), as happened at the May 6 meeting on World Press Freedom Day, when plainclothes policemen lined the street leading up to the office of the Tunisian League of Human Rights.

The government stated that there were 950 foreign publications and newspapers distributed in the country and that 90 percent of the newspapers were “privately owned and editorially independent.” However, of the eight mainstream dailies, two were government owned, two were owned by the ruling party, and two, though nominally private, took editorial direction from senior government officials. All media were subject to significant governmental pressure over subject matter.

There were three opposition party newspapers with small circulations and editorial independence from the government. Nevertheless, two of them, *Ettariq El Jadid* and *Al-Wahda*, received government subsidies under a law that provides government financing to papers representing opposition parties with seats in parliament. The third, *Al-Mawqif*, did not receive the subsidy since its party was not represented in parliament.

While the government permitted public criticism in opposition newspapers, the government impeded similar criticism in the mainstream press. Individuals and certain groups faced reprisal for statements critical of the government. For example, on April 28, a court found Mohamed Abbou, a lawyer, guilty of publishing statements “likely to disturb the public order” in which he compared the fate of Iraqi prisoners in Abu Ghraib to that of citizen prisoners. He was arrested following the online publication of another article in which he unfavorably compared the country’s president to Israeli Prime Minister Ariel Sharon.

During the year there were no reports of journalists being arrested. Abdullah Zouari, a journalist who once worked for *Al-Fajr*, the weekly newspaper of the An-Nahdha party, remained under administrative control and in internal exile. Zouari undertook a number of hunger strikes during the year to bring attention to his situation. Hamadi Jebali, a former editor of *Al-Fajr*, remained in prison serving his six-year sentence for insurrection and “membership in an illegal organization.” In April, Jebali undertook a hunger strike to end his solitary confinement in prison. According to Reporters Without Borders (RWB), Jebali’s conditions of imprisonment improved, and he ended his strike in late April. However, Jebali undertook two other hunger strikes later in the year to protest his continued imprisonment.

In the days before and during the UN World Summit on the Information Society, held in Tunis from November 16–18, the government harassed journalists and restricted press freedom.

On the night of November 11, four men attacked Christophe Boltanski, a journalist for the French newspaper *Liberation*, beating and slashing him with a knife and stealing his mobile telephone and documents. Boltanski had been reporting on demonstrations in support of the Movement of 18 October hunger strikers (see section 2.b.). Following the attack, international and local civil society organizations accused the security forces of organizing the assault. The government claimed it had arrested two suspects in the attack.

On November 14, according to international media and NGO reports, plainclothes policemen pulled Jean Jacques Mathy of the Belgian TV station RBF from his car

and seized his video camera and cassette. The camera was subsequently returned without the cassette. Mathy was accompanying reporter Marianne Klaric and local human rights activist Rahdia Nasraoui to a meeting of NGOs at the foreign government-sponsored Goethe Institute (see section 2.b.).

During the year the government moved to abolish "*depot legal*," which had been a requirement that the government approve all printed material prior to publication or distribution. The action followed the president's announcement May 27 that "*depot legal*" would be abolished and the subsequent lifting of restrictions on printed media. Other press restrictions continued, including prior review of books.

Article 25 of the Press Code stipulates that the publication, introduction, and circulation of foreign works may be restricted. Authorities restricted the timely purchase of foreign publications that included articles deemed critical of the country. For example, authorities held the distribution of the May 22 edition of *Jeune Afrique L'Intelligent* due to its article on the reaction of local lawyers to the Abbou case.

The law authorizes sentences of up to three years in prison for defamation of constituted bodies, the administration, government members or deputies, and up to five years in prison for offensive statements against the president. Charges for defamation were brought against the editor of *Al Mawqif* for a 2004 article calling for an investigation into the railroad system. The case remained pending at year's end.

Directors and owners of existing private media, as well as journalists at the government and ruling party-owned press, practiced a high degree of self-censorship. Journalists in the mainstream press regularly refrained from investigative reporting on national issues. Only the small opposition press reported regularly on controversial national issues.

On May 3, three independent members of the Board of the Tunisian Journalists Association published a report in the name of the association that reported the "rampant violations undergone by journalists under the form of censorship, harassment and various other sorts of oppression." On May 27, one of the members, Neji Bghouri, was held in police headquarters, but no formal charges were brought against him.

Government regulations required foreign correspondents to obtain written approval before videotaping in any public area. The government also controlled the satellite transmissions of local correspondents reporting for foreign television stations by refusing to license correspondents and insisting that all correspondents use government-owned facilities for satellite uplinks.

Newspapers were often pressured to carry the government wire service's version of an event, even when their own journalists were present. Following a press conference held by the Tunisian Lawyer's Association on the Mohamed Abbou case, government representatives told journalists present not to write about the event.

The government maintained tight control of the broadcast media. Although the private broadcast media made some inroads in social and sports commentary, both private and government-owned radio stations confined broadcast news to international and uncontroversial national issues.

The negotiations over the licensing of the Hannibal private television station included a stipulation that it would not broadcast news. The granting of the licenses for the three existing private broadcast media was not transparent, and several requests for licenses, some dating back for years, remained in limbo. However, the government did not restrict the widespread possession of satellite dishes.

The government pressured journalists and the media in a variety of ways, including control over licensing, journalist accreditation, and directing the placement of government advertising. The government continued to exercise tight control over the licensing of new newspapers. Although there were at least 11 existing applications, the government did not allow the creation of any new newspaper. The government withheld press credentials from, and delayed granting passports to, journalists with whom it was displeased, including Slim Boukhdar, who in 2004 posed a question in a press conference implying that relatives of the president had pressured the judiciary to influence a legal case. The government did not grant government press cards to other experienced journalists, including Lotfi Hajji, Abdelatif Fourati, Slaheddine Jouchi, and Mohamed Fourati. Such press cards were needed for official accreditation as a journalist and were reviewed on an annual basis.

On September 10, officials at the Ministry of Interior prevented Sihem Ben Sedrine, a journalist, publisher, and one of the founders of the CNLT, from registering her newspaper *Kalima*, whose website remained blocked within the country (see section 2.b.) It was Ben Sedrine's fourth attempt to register the publication. Ben Sedrine and international human rights NGOs alleged that the government refused registration of *Kalima* due to its commentary critical of the government.

According to media editors, senior government officials routinely called news directors and editors to inform them which issues they were forbidden to print and to direct editorial content and news coverage. The Tunisian Agency for External Communications enforced this policy and other informal censorship mechanisms by selective placement of government advertising. In addition, private companies were consistently unwilling to advertise in newspapers no longer receiving government advertisements to avoid the appearance of siding with the media organization being punished.

Book publishing continued to be subject to “*depot legal*” as set out in Article 8 of the press code. In its February report, the Tunisia Monitoring Group of the International Exchange on Freedom of Expression provided a list of 21 books or academic works by local authors who were censored in the country.

The government blocked access to a number of Internet websites, including nearly all sites belonging to domestic human rights, opposition, and Islamist groups. In April 2004 the government allowed access to several foreign websites that previously had been blocked, including Hotmail, Al Jazeera, Al, and the French daily *Liberation*. Some foreign human rights websites remained blocked, including that of RWB. In November the OpenNet Initiative, a collaboration of universities in several nations studying government attempts to control Internet information, reported that the government had blocked 10 percent of the 2 thousand websites it tested. AISPP reported that potentially hundreds of persons had been arrested for visiting suspicious terrorism-related websites and were detained without proper legal procedures or sufficient evidence of having committed a crime. A July report on “cyber freedom,” published by the Arab Information Network on Human Rights, ranked the country last among 11 Arab countries.

The government limited academic freedom and sought to foster a culture of self-censorship in universities. The government closely monitored administrators, teachers, and students to identify any political activity. Police on university campuses, both in uniform and in plainclothes, discouraged students from openly expressing dissent. In March police assaulted students during campus demonstrations against the government’s invitation to Israeli Prime Minister Ariel Sharon to attend a UN summit. Police arrested one faculty member and several students (see section 2.b.).

Authorities subjected academic publications to the pro forma process of submission to the government before publication, and university libraries did not purchase foreign books or subscribe to foreign magazines deemed critical of the government. Tight government control over academic research funds prevented university administrators from applying for grants on research topics that they believed the government would find objectionable. Professors avoided teaching classes on subjects considered sensitive, such as legal courses on political systems or classes on civil liberties. University professors often avoided discussion of any subject deemed sensitive enough to interest the government, and faculty members reported that they were hesitant to gather in groups outside the classroom.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, but the government restricted this right in practice.

Freedom of Assembly.—The law requires groups wishing to hold a public meeting, rally, or march to obtain a permit from the Ministry of Interior no later than three days before the proposed event and to submit a list of participants; the authorities routinely approved such permits for groups that supported government positions and generally refused permission for groups that expressed dissenting views. As in previous years, NGO leaders reported difficulty in renting space to hold large meetings. They maintained that police pressured hotel and hall managers to prevent them from renting meeting space. Hotel managers and businessmen denied that there was a specific ban on renting space to opposition groups; however, they said they cooperated with the Ministry of Interior and accommodated its requests when possible.

In September a local hotel withdrew the reservation of the Tunisian Journalist’s Syndicate (SJT), which had planned to hold a congress at the hotel. On August 24, police told SJT leader Lotfi Hajji that the government did not recognize the SJT and that the organization would not be permitted to hold a congress.

On November 10, organizers of the “Citizen’s Summit on the Information Society,” an unofficial parallel summit to the UN World Summit on the Information Society and sponsored by a group of international and national civil society organizations, reported that after reserving a venue for the conference at a hotel in Tunis, the hotel notified them that the hall was no longer available, citing the sudden need for repair work. On November 14, representatives of the organizations planning the citizen’s summit tried to meet at the Goethe Institute, but they were prevented from entering by several dozen plainclothes police. According to HRW representatives,

the police, who did not identify themselves, “manhandled local and foreign activists, knocking down several individuals as they pushed them along the streets.”

The government used police and other state security forces to monitor, control, and sometimes disrupt demonstrations. The government broke up several unsanctioned demonstrations during the year. In general demonstrators and security forces did not resort to violence; however, there were some exceptions, such as scuffles ensuing from demonstrators’ attempts to cross police lines or demonstrators not dispersing when ordered by police.

In March the government refused to allow several demonstrations to take place. Opposition groups, human rights NGOs, and students had petitioned to demonstrate in protest of the government’s invitation to Israeli Prime Minister Ariel Sharon to attend the World Summit on the Information Society. Despite the ban, several protests took place. There were multiple reports that police assaulted several opposition leaders, human rights activists, and students during one demonstration.

Freedom of Association.—The law provides for freedom of association; however, the government generally did not respect this right in practice. The law requires that new NGOs submit an application to the government to gain recognition and to operate legally. According to the law, an NGO that has filed an application to register may operate freely while the government processes its application. If the government does not reject the application within 90 days, the NGO is automatically registered.

The government routinely blocked the registration of new independent NGOs by refusing to provide receipts for their registration applications. Without such a receipt, NGOs were unable to counter the government’s assertions that they had not applied to register and therefore were not allowed to operate. In such cases, NGOs could be shut down, their property seized, and their members prosecuted for “membership in an illegal organization.”

During the year significant numbers of RCD members attempted to join independent NGOs, such as the LTDH and other civil society groups, with the apparent intent of eventually gaining control of the NGOs through elections or disrupting their operations. For example, in September a court ruled that the LTDH could not hold its national congress because of a suit filed by seven members of the LTDH allegedly loyal to the RCD. In some cases RCD members used the NGOs’ own by-laws, while in other cases they exploited a provision of the law on associations that requires “organizations of a general character” to grant membership to all who apply.

Leaders of the AMT also alleged that the government used members loyal to the RCD to disrupt its meetings and operations. AMT members under government and RCD control held new elections for AMT leadership after the current president proposed new judicial reform initiatives and supported a group of lawyers that alleged improprieties in the trial of Mohamed Abbou (see section 1.c.). These RCD-loyal AMT members claimed that the president’s communiqué was not representative of all AMT members. In August the government evicted AMT leadership from the association’s headquarters in Tunis. Human rights organizations stated that the government removed the current AMT leadership due to its demonstrated independence.

c. Freedom of Religion.—The law provides for freedom of religion that does not disturb public order, and the government generally respected this right in practice, although there were some restrictions and abuses. Islam is the state religion, and the law stipulates that the president must be a Muslim.

The government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although it permitted other Christian denominations to operate, the government formally recognized only the Catholic church.

The government allowed the re-opening of a Catholic church in Djerba, but did not permit Christian groups to establish new churches.

While it is not illegal to change religions, Muslims who convert to another religion face social ostracism. The government requires non-Muslim men to convert to Islam before marrying a Muslim woman. The government did not allow married couples to register their children with non-Muslim names.

While authorities did not deport foreigners suspected of proselytizing, the government did not renew the visas of suspected missionaries. During the year there were no reported cases of official action against persons suspected of proselytizing.

The government required Islamic religious education in public schools, and the religious curriculum for secondary school students also included histories of Judaism and Christianity.

The government did not permit the establishment of political parties based on religion, and it used this prohibition to continue to outlaw the Islamist party An-Nahdha and to prosecute suspected An-Nahdha members for “membership in an illegal organization” (see section 1.e.). The government continued to maintain tight surveillance over Islamists and monitored activity in mosques.

The law provides that only persons appointed by the government may lead activities in mosques. The government required that mosques remain closed except during prayer times and other authorized religious ceremonies, such as marriages or funerals. According to human rights lawyers, the government regularly questioned individuals observed praying frequently in mosques. Authorities instructed imams to espouse governmental social and economic programs during prayer times in mosques. The government paid the salaries of imams.

The government sought to suppress certain outward signs of citizens’ religious practice. For example, authorities characterized the hijab as a “garment of foreign origin having a partisan connotation” and officially prohibited its use in public institutions in order to “observe impartiality required of officials in their professional relations with others.” However, in practice, wearing of the hijab in public places was sometimes permitted. In several cases, school officials took disciplinary action to punish and deter hijab use by attempting to have women sign written oaths renouncing its use. There were reports that police sometimes detained men with what were termed “Islamic” beards, compelling them to shave.

Religious publications were subject to the same restrictions on freedom of speech and the press as secular publications. Christian groups were generally allowed to distribute religious documents in English but not in Arabic. Only sanctioned religious groups were allowed to distribute religious documents. In the government’s view, distribution by other groups constituted an illegal “threat to public order” (see section 2.a.). The government held a lottery to determine which citizens could make the hajj due to country quotas from the Saudi Arabian government on how many nationals from each country could participate in the Hajj.

Societal Abuses and Discrimination.—Privately owned newspapers on occasion published cartoons and articles critical of Israel. Some cartoons used derogatory images of orthodox Jews to portray the state of Israel and Israeli interests. These cartoons were drawn by cartoonists outside of the country and reprinted locally.

Christians and Jews living in the country, including foreigners, constituted less than 1 percent of the population. The government permitted Christians and Jews who did not proselytize to worship as they wished, and it allowed Jewish communities to operate private religious schools. Jewish children on the island of Djerba were permitted to divide their academic day between public secular schools and private religious schools. The government also encouraged Jewish foreigners to return for the annual pilgrimage to the historic El-Ghriba Synagogue on Djerba.

Jewish community leaders reported that the government increased its traditionally active role in protecting synagogues, particularly during Jewish holidays. The government allowed the Jewish community freedom of worship and paid the salary of the grand rabbi. The government partially subsidized restoration and maintenance costs for some synagogues. While the government during the year did not act on a 1999 application to grant permanent registration to the Provisional Committee of the Jewish community to function as a sanctioned association, the leadership of the committee met weekly and performed religious activities and charity work.

In December 2004 the government announced that it would no longer require Israeli citizens to deposit their passports at the border for the duration of their visit to the country. The government also announced that a former Hebrew school would be restored and made into a training center of the arts for persons with disabilities, and indicated that the Jewish cemetery of Tunis would be restored. The number of Jewish pilgrims to El-Ghriba in May increased dramatically from previous years. According to Jewish leaders, approximately one thousand pilgrims were Israeli citizens.

During the year authorities did not report any anti-Semitic activities.

While Baha’is do not consider themselves Muslims, the government regarded the Baha’i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private. Interior ministry officials periodically met with prominent Baha’i leaders to discuss their community’s activities, leading to an improved relationship between their community and the government.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, Repatriation, and Exile.—The law provides for these rights, and the government generally respected them in practice; however, the government refused to issue, renew,

amend, or accept passports of some dissidents, Islamists, and their relatives. The government also may impose a five-year period of "administrative controls" at sentencing on certain former prisoners that constituted a type of internal exile.

The law authorizes the courts to cancel passports and contains broad provisions that both permit passport seizure on national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges' decision. The Ministry of Interior is required to submit requests to seize or withhold a citizen's passport through the public prosecutor to the courts; however, the ministry routinely bypassed the public prosecutor with impunity.

Many citizens reported difficulty applying for or renewing their passports and accused the government of blocking their applications solely on the basis of political opposition.

Former Islamist leader Dr. Mohamed Sedki Labidi has been deprived of his passport for the last decade without a court decision. During the year the government issued a passport to Mokhtar Boubaker, a labor leader and former chief editor of the General Union of Tunisian Workers (UGTT) weekly, *Esch-Chaab*, after refusing to issue one since 2001. No reason was given by the Ministry of Interior, either for the original denial or the current issuance.

The law prohibits forced exile; however, the penal code provides for the imposition of a form of internal exile (which the government calls "administrative control") on convicts for up to five years. Administrative control measures, which take effect upon a convict's release from prison, are similar to parole restrictions, except that they may be applied to prisoners even after they have completed their sentences. The government requires those individuals to reside in an indicated place, chosen by the government, which may be anywhere in the country, and they are required to stay "in the area of their residence." They also may be required to report to a police station frequently each day, at times determined only the previous evening. At the police station, they may be forced to wait hours before they are allowed to sign in, making employment impossible. Numerous Islamists released from prison in recent years have been subjected to such continuing punishment.

By law, administrative control measures may only be imposed at sentencing; however, a former high school teacher, Nouri Chniti, claimed that, although his sentence did not include administrative control, he has been subject to extrajudicial administrative control measures since 1991 when he received a suspended sentence for membership in An-Nadha.

Some political opponents in self-imposed exile abroad were prevented from obtaining or renewing their passports to return to the country. During the year a group of citizens abroad who had been refused passports formed an organization called "Tunisians Without Passports" and released communiqués calling on the government to allow all citizens to receive passports.

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. The government cooperated to a certain degree with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers, but the government has not established a system for providing protection to refugees or foreign nationals who may not qualify as refugees under the 1951 Convention and 1967 protocol, but who still need some form of international protection. In practice, the government did not provide protection against *refoulement*, the return of persons to a country where they feared persecution.

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

The law provides that citizens shall directly elect the president and members of the chamber of deputies for five-year terms; however, there were significant limitations on citizens' right to change their government. Moreover, there were irregularities that routinely called into question the legitimacy of elections.

Elections and Political Participation.—In the October 2004 national elections, President Ben Ali faced three candidates and received approximately 94 percent of the popular vote to secure a fourth term. The third opposition candidate, Mohamed Halouani of the Et Tadjid party, cited government restrictions and other irregularities to explain why he received less than 1 percent of the official vote count. According to official election returns, more than 90 percent of registered voters went to the polls; however, independent NGOs estimated that the actual turnout was closer to 30 percent, casting serious doubt on the election.

Irregularities such as voter intimidation also characterized the polling. A coalition of three local independent NGOs (LTDH, CNLT, and the Tunisian Association of Democratic Women) cited as serious problems the opposition's lack of media access

during the campaign and media bias in favor of the ruling party. Opposition candidates and other observers also cited restrictions on disseminating campaign materials and organizing campaign events.

The Electoral Code significantly limits the number of individuals eligible to run for president. A candidate must be Muslim and must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run. By law, 20 percent of the seats in one house of the legislature (Chamber of Deputies) are reserved for opposition party candidates. The ruling party's domination of state institutions and political activity precluded any credible and competitive electoral challenges.

On March 15, the National Election Observatory, formed by the government in 2004 to monitor all stages of the 2004 elections, issued its report, concluding that the electoral process in general proceeded fairly and according to law. The report contained references to opposition and NGO criticism of the election, including the non-distribution of voting cards to opposition party members, the ruling party's media advantage, the lack of transparency of the actual balloting, and secret ballot counts. While the report refuted the claims, it also listed 12 specific recommendations to address problems. Independent human rights activists complained that the real purpose of the observatory was to deflect criticism over the lack of independent or international observers.

The ruling party has maintained power continuously since the country's independence in 1956. It dominates the cabinet, the chamber of deputies, and regional and local governments.

On July 3, the government conducted elections for the Chamber of Advisors, a second parliamentary chamber created by a 2002 constitutional amendment. The voters consisted of 4,555 officials, including municipal counselors, deputies, and mayors, plus the 189 members of the Chamber of Deputies. Of the 4,555 voters, only 305 belonged to opposition parties. The constitutional amendment creating the chamber specified that its 126 seats must be allocated among various regional and professional organizations, including 14 seats for the UGTT, which refused to name candidates, citing a lack of independence and democracy in the candidate selection process. The president appointed directly 41 candidates. The elected members of the new chamber were overwhelmingly members or supporters of the ruling RCD party.

The president appoints the prime minister, the cabinet, and the 24 governors. The government and the party are closely integrated; current and former senior government officials constitute the top ranks of the RCD. The president of the country is also the president of the party, and the party's vice president and secretary general each hold the rank of minister. All the members of the RCD politburo hold ministerial rank based on their current or former government service.

RCD membership conferred tangible advantages. For example, there were widespread reports that RCD members and their families were much more likely to receive educational housing benefits, small business permits, and waivers on zoning restrictions.

To mitigate the advantages wielded by the ruling party, the Electoral Code reserves 20 percent of seats in the Chamber of Deputies (37 of 189) for the seven officially recognized opposition parties, and distributes them on a proportional basis to those parties that won at least a single directly elected district seat. In the October 2004 elections, five of the opposition parties gained seats under that provision. The RCD continued to hold the remaining 152 seats.

The government partially funded opposition parties. Each party represented in the chamber of deputies received a public subsidy of approximately \$42,000 (60,000 dinars), plus an additional payment of \$3,500 (5,000 dinars) per deputy. The government also provided \$105,000 (120,000 dinars) to each newspaper of an opposition party represented in the legislature. On November 30, the president announced an increase in the level of support for opposition parties represented in the chamber. The government raised the public subsidy for operational costs of opposition parties \$56,300 (75,000 dinars) per year, raised the additional payment per deputy to \$5,300 (7,500 dinars), and increased the level of government funding for opposition newspapers to \$112,500 (150,000 dinars).

By law, the government does not permit the establishment of political parties on the basis of religion, language, race, or gender. The government used the prohibition to continue to outlaw the Islamist An-Nahdha party and to prosecute suspected members for "membership in an illegal organization" (see sections 2.b. and 2.c.). The government refused to recognize the creation of the Tunisian Green Party.

On a number of occasions, the president expressed the desire to increase the level of representation of women in the government to 25 percent. In April 2004 he appointed the country's first female governor. There were 50 women in the 301-seat legislature, 2 women in the 25-seat cabinet, and 5 women among the 18 secretaries of state. Following municipal elections in May, more than one-fourth of municipal

council members elected were women. Three women served as presidents of chambers on the Supreme Court, and two women served on the 15-member Higher Council of the Magistracy. The government conducted the first elections without gender segregation during a September 2004 by-election in a governorate on the outskirts of Tunis.

Government Corruption and Transparency.—There are 13 articles of the penal code concerning penalties for corruption, and there were a small number of corruption cases prosecuted throughout the year. In March 2004 the Minister of Interior announced the creation of the “Higher Institute of Security Forces and Customs,” tasked not only with “reinforcing human rights and improving law enforcement,” but also reducing corruption. There were no public reports of the organization’s subsequent activities. There are no laws to provide government documents to citizens.

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

A variety of domestic and international groups generally were able to investigate and publish their findings, although with some difficulty, but the government actively discouraged investigations of human rights abuses. According to the government, there were more than eight thousand NGOs in the country devoted exclusively to social and economic development issues. The government sought to monitor and control the activities of some foreign NGOs within the country. There were approximately one dozen domestic human rights NGOs, although only half were authorized. The government met with registered domestic human rights NGOs and responded to their inquiries; however, it also harassed, targeted, and prosecuted some of them.

The LTDH was one of the most active independent advocacy organizations, with 41 branches throughout the country. The organization received and investigated complaints and protested abuses, although the government rarely responded to LTDH communiqués. The government continued to block a European Union grant to the LTDH, citing a law on NGO financing that includes broad prohibitions on funding of NGOs without government approval.

Other independent human rights NGOs included: the legally registered Arab Human Rights Institute; the Tunisian Association of Democratic Women (ATFD); the unregistered AISPP; and the ALTT.

Since 1998 the government has refused to authorize the CNLT’s registration as an NGO. The CNLT issued statements sharply criticizing the government’s human rights practices. Government officials have accused CNLT members of violating the pro forma submission requirements by publishing communiqués without prior government approval (see section 2.a.).

During the year significant numbers of ruling party RCD members continued attempts to join independent NGOs, such as the LTDH and other civil society groups, with the apparent intent of eventually gaining control of the NGOs through elections (see section 2.b).

In May the government refused to issue a visa to a member of AI’s regional office in Beirut. According to local news sources, the AI member was attempting to participate in a human rights training session. On November 17, Robert Menard, Secretary General of RWB, attempted to enter the country to attend the UN World Summit on the Information Society. According to Menard, security agents boarded his plane upon landing and informed him that he was not allowed to enter the country. A government spokesman later said Menard could not enter because of ongoing legal proceedings in the country relating to a 2002 protest of the country’s tourist office in Paris. The government blocked RWB’s website, which contained critical material on the country’s human rights record.

In April HRW held a press conference in Tunis to announce a report on solitary confinement (see section 1.c.).

The International Freedom of Expression Exchange—Tunisia Monitoring Group (IFEX–TMG), a coalition of international human rights and freedom of expression NGOs, conducted fact-finding missions during the year. The IFEX–TMG reported heavy police surveillance of their activities and government interference with their mission. Police prevented translators and private citizens traveling with the group from attending some meetings.

In April the ICRC signed an agreement with the government that the local office could conduct visits to all prisons and detention centers in the country. The agreement followed more than a year of negotiations. The ICRC conducted visits starting in June and reported that access and cooperation with the government were good (see section 1.c.). There were credible reports that police prevented some family members of prisoners from visiting ICRC offices. In September police allegedly assaulted the wife of an Islamist prisoner when she left AISPP offices, and they also

prevented her from entering ICRC offices, reportedly telling her that she would be “put in prison with (her) husband” if she tried to enter the ICRC office.

The Ministry of Justice and Human Rights has the lead on government policy on human rights issues in the country, although other ministries also had human rights offices. The ministry did not release any public reports of cases or investigations. A government-appointed and funded body, the Higher Commission on Human Rights and Basic Freedoms, addressed, and occasionally resolved human rights complaints. The commission submitted confidential reports directly to the president. The government maintained several government-run news sites that include sections on human rights, but the sites are not specifically identified as government sponsored. However, the government continued to block access to the sites of domestic human rights organizations (see section 2.a.).

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

The law provides that all citizens are equal before the law, and the government generally respected this right, although in inheritance and family law, biased-based provisions in the civil code adversely affected women.

Women.—Laws against domestic violence provide for fines and imprisonment for assaults committed by a spouse or family member that are double those for the same crimes committed by an unrelated individual, but enforcement was lax, as police and the courts generally regarded domestic violence as an internal family problem. Violence against women and spousal abuse occurred, but there were no statistics to measure its extent. The National Union of Tunisian Women (UNFT), a government-sponsored organization that ran a center to assist women and children in difficulty, sponsored national educational campaigns for women. The UNFT reported that its shelter handled one thousand cases during the year. The ATFD, active in debating and publicizing women’s issues, operated a counseling center for female victims and reported that its shelter assisted approximately 100 women using the shelter for the first time during the year, in addition to a continuing caseload from previous years.

The penal code specifically prohibits rape, including spousal rape, and the government enforced the laws vigorously, giving significant press coverage to rape cases. Perhaps due to social stigma, there were no reports of prosecution for spousal rape. The death sentence is the penalty for rape with the use of violence or threat with a weapon. For all other rape cases, the penalty is life imprisonment.

The penal code prohibits prostitution, although individuals were rarely charged. The penalty for prostitution is up to two years in prison. The law applies to both women and men and their accomplices. There were no reported cases of trafficking or forced prostitution involving women.

In August 2004 the chamber of deputies passed the country’s first law making sexual harassment a criminal offense, but the government subsequently suspended the law after civil society groups vociferously criticized it. Nevertheless, sexual harassment was a problem, although there were no comprehensive data to measure its extent.

Women enjoyed substantial rights, and the government advanced those rights in the areas of divorce and property ownership. Women enjoy the same legal status as men. The law explicitly requires equal pay for equal work, and although there were no statistics comparing the average earnings of men and women, anecdotal evidence indicated that women and men performing the same work received the same wages. A slight majority of university students were women.

Women served in high levels of the government as cabinet ministers and secretaries of state, comprising more than 13 percent of the total, and President Ben Ali appointed the country’s first female governor in April 2004 (see section 3). Women constituted approximately 37 percent of the civil service and 24 percent of the nation’s jurists. However, women still faced societal and economic discrimination.

Codified civil law is based on the Napoleonic code, although judges often used Shari’a as a basis for customary law in family and inheritance. Most property acquired during marriage, including property acquired solely by the wife, is held in the name of the husband. Muslim women are not permitted to marry outside their religion. Marriages of Muslim women to non-Muslim men abroad are considered common-law and are voided when the couple returns to the country. Application of inheritance law continued to discriminate against women, and there was a double standard based on gender and religion: non-Muslim women and Muslim men who are married may not inherit from each other. The government considers all children from those marriages to be Muslim, and forbids those children from inheriting anything from their mothers. Female citizens can convey citizenship rights to their children whether the father is a citizen or not.

In February 2004 the government launched a morality campaign invoking a 1940 law penalizing “immoral behavior” that observers said primarily affected women. For example, women were detained for wearing jeans that police judged too tight, for holding hands with men in public, and for driving with young men “without authorization.” However, this campaign was discontinued later in 2004, and there was no enforcement of these penalties during the year.

The Ministry for Women’s Affairs, Family, Children and Senior Citizens sponsored several national media campaigns to promote awareness of women’s rights. Nearly two-thirds of its budget was devoted to ensuring the legal rights of women, while simultaneously improving their socioeconomic status. The government supported and funded the UNFT, the Center for Research, Documentation, and Information on Women (CREDIF), and women’s professional associations. Several NGOs focused on women’s advocacy and research in women’s issues, and a number of attorneys represented women in domestic cases.

Children.—The government demonstrated a strong commitment to free and universal public education, which is compulsory from age 6 to 16 years. According to the UN Children’s Fund (UNICEF), 95 percent of boys and 93 percent of girls were in primary school, and approximately 73 percent of boys and 76 percent of girls were in secondary school. During the year, female students graduated from secondary school at a higher rate than their male counterparts. There were schools for religious groups (see section 2.c.). The government sponsored an immunization program targeting preschool-age children and reported vaccinating more than 95 percent of children. Male and female students received equal access to medical care.

Convictions for abandonment and assault on minors carried severe penalties. There was no societal pattern of child abuse.

Child labor and child prostitution were not significant problems. There were two ministries responsible for rights of children: the Ministry of Women’s Affairs, Family, and Childhood, and the Ministry of Youth, Sports, and Physical Training. Each had secretaries of state responsible for safeguarding the rights of children.

Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

In January 2004 the legislature approved amendments to the 1975 law on passports and travel documents. The law includes provisions for sentencing convicted traffickers to prison terms of 3 to 20 years, and fines of \$67 thousand to \$83 thousand (80 thousand to 100 thousand dinars). The amendments brought national law into conformance with the international protocol agreement on trafficking of persons. The government prepared to use provisions of the penal code to combat trafficking should the need arise. For example, traffickers could be prosecuted under laws prohibiting forced displacement of persons.

The Ministry of Interior and Local Development and the Ministry of Social Affairs, Solidarity and Tunisians Abroad were the agencies responsible for antitrafficking efforts. Since trafficking was not deemed a problem, there were no specific government campaigns to prevent trafficking.

Persons with Disabilities.—The law prohibits discrimination against those with physical or mental disabilities and mandates at least 1 percent of public and private sector jobs be reserved for persons with disabilities, and the government generally enforced these provisions. There was little discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. All public buildings constructed since 1991 must be accessible to persons with physical disabilities, and this was enforced. The government issued special cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The government provided tax incentives to companies to encourage the hiring of persons with physical disabilities, and the government strongly supported NGOs working to help persons with disabilities.

Several active NGOs provided educational, vocational, and recreational assistance to children and young adults with mental disabilities. The government and international organizations funded several programs. The Ministry of Social Affairs and Solidarity and Tunisians Abroad was responsible for protecting the rights of persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to organize and form unions, and the government generally respected this right in practice. The UGTT was the country’s only labor federation. There were some unauthorized, independent trade unions: the Democratic Confederation for Labor and the Tunisian Journalists Syndicate. Approximately 30 percent of the work force belonged to the

UGTT, including civil servants and employees of state-owned enterprises, and a considerably larger proportion of the work force was covered by union contracts. A union may be dissolved only by court order. Approximately 27 percent of the total workforce was unionized.

The UGTT and its member unions were legally independent of the government and the ruling party; however, they operated under regulations that restricted their freedom of action. The UGTT membership included persons associated with all political tendencies. There were credible reports that the UGTT received substantial government subsidies to supplement union dues; however, UGTT leaders stated that their only funding came from modest union dues and revenue from an insurance company and hotel owned by the union. Union members and their families received additional support from the National Social Security Account (CNSS). The government provided the UGTT with land for its new headquarters and support for its construction. The central UGTT leadership generally cooperated with the government regarding its economic reform program. Throughout the year, the UGTT board showed some independence regarding economic and social issues, and in support of greater democracy. At mid-year, the UGTT refused to submit a list of candidates for 14 UGTT-designated seats in the newly created Chamber of Advisors, citing a lack of independence and democracy in the selection process and an unfair distribution of seats (see section 3). The UGTT supported the LTDH and allowed LTDH regional chapters to use UGTT facilities for conferences and meetings.

The law prohibits antiunion discrimination by employers, although the UGTT claimed that there was antiunion activity among private sector employers, such as the firing of union activists and using temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers accounted for a large majority of the work force. The labor code protects temporary workers, but enforcement was more difficult than in the case of permanent workers. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General approved all worker dismissals. The committee is composed of representatives from the Ministry of Social Affairs, Solidarity and Tunisians Abroad, the UGTT, and the company dismissing the worker.

b. The Right to Organize and Bargain Collectively.—The law protects the right to organize and bargain collectively, and the government protected this right in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions and employers. Numerous collective bargaining agreements set standards for industries in the private sector and covered 80 percent of the total private sector workforce. The government's role in private sector negotiations was minimal, consisting mainly of lending its good offices as a mediator if talks stalled. The government must approve, but may not modify, all agreements; once approved, the agreements are binding on both union and nonunion workers in the line of work that they cover. The UGTT also negotiated wages and work conditions of civil servants and employees of state-owned enterprises. The government was the partner in such negotiations. During the year the triennial labor negotiations with the UGTT, the Union of Tunisian Employers (the private sector employer's association) and the government continued as the UGTT sought more favorable wage increases for employees.

Unions, including those representing civil servants, have the right to strike, provided that they give 10 days advance notice to the UGTT, and it grants approval. The ICFTU has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights, but such advance approval rarely was sought in practice. There were numerous short-lived strikes over failure by employers to fulfill contract provisions regarding pay and conditions and over efforts by employers to impede union activities. While the majority of the strikes technically were illegal, the government did not prosecute workers for illegal strike activity. The law prohibited retribution against strikers. Labor disputes were settled through conciliation panels in which labor and management were represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

There are export-processing zones (EPZs) subject to regular labor laws.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children, and there were no reports that such practices occurred. However, some parents of teenage girls placed their daughters as domestic servants and collected their wages (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under 18 in jobs whose nature and environment present a serious threat to their health, security and morality, and the UGTT and CNSS conducted inspection tours of factories and industrial sites to ensure compliance with the law.

In April the government amended the Household Workers Law to prohibit the employment of children under the age of 16 years, which is consistent with the age for completing educational requirements, and inspectors of the Ministry of Social Affairs and Solidarity examined the records of employees to verify that employers complied with the minimum age law. However, there were no reports of sanctions against employers. Child labor also existed in the informal sector disguised as apprenticeship, particularly in the handicraft industry.

The minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours was 13 years. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. In nonagricultural sectors, children between the ages of 14 and 16 years may work no more than 2 hours per day. The total time that children spend in school and work may not exceed seven hours per day. Nonetheless, young children sometimes performed agricultural work in rural areas, and worked as vendors in towns, primarily during their summer vacation from school.

e. Acceptable Conditions of Work.—The labor code provides for a range of administratively determined minimum wages. In August the industrial minimum wage was raised to \$179 (224 dinars) per month for a 48-hour workweek and to \$155 (194 dinars) per month for a 40-hour workweek. The agricultural daily minimum wage was \$5.87 (7.33 dinars) per day for “specialized” agricultural workers and \$6.17 (7.71 dinars) per day for “qualified” agricultural workers. With the addition of transportation and family allowances, the minimum wage provided a decent standard of living for a worker and family, although that income was only enough to cover essential costs. More than 500 thousand workers were employed in the informal sector, which was not covered by labor laws.

Regional labor inspectors were responsible for enforcing standards related to hourly wage regulations. They inspected most firms approximately once every two years. The government often had difficulty enforcing the minimum wage law, particularly in nonunionized sectors of the economy. The labor code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week.

Special government regulations governed employment in hazardous occupations like mining, petroleum engineering, and construction, and the Ministry of Social Affairs and Solidarity and Tunisians Abroad had responsibility for enforcing health and safety standards in the workplace. Working conditions and standards generally were better in export-oriented firms than in those firms producing exclusively for the domestic market. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right.

The few foreign workers in the country had the same protections as citizen workers.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven semi-autonomous emirates, with an estimated resident population of 4.5 million, of which only 21 percent are citizens. The seven emirate rulers constitute the Federal Supreme Council, the highest legislative and executive body. The Council selects a president and vice president from its membership; the president, in turn, appoints the prime minister and cabinet. In November 2004 the Council selected Sheikh Khalifa bin Zayed al-Nahyan, Ruler of Abu Dhabi Emirate, as head of state for a five-year term. Traditional rule in the emirates generally is patriarchal, with political allegiance defined in terms of loyalty to the tribal leaders, to the leaders of the individual emirates, and to the leaders of the federation. There are no democratically elected institutions or political parties. There are no general elections; however, citizens may express their concerns directly to their leaders through traditional consultative mechanisms, such as the open *majlis*, or council. A consultative body, the Federal National Council (FNC), consists of 40 advisors appointed by emirate rulers for two-year terms. The civilian authorities generally maintained effective control of the security forces.

The government's respect for human rights remained problematic. The following human rights problems exist or were reported:

- no citizens' right to change the government and no popularly elected representatives of any kind
- flogging as judicially sanctioned punishment
- arbitrary detention
- incommunicado detention permitted by law

- questionable independence of the judiciary
- restrictions on civil liberties—freedom of speech and of the press, and assembly
- restrictions on right of association, particularly for human rights groups
- restrictions on religious freedom
- domestic abuse of women, sometimes enabled by police
- trafficking in women and children
- legal and societal discrimination against women and noncitizens
- corruption and lack of government transparency
- abuse of foreign domestic servants
- restrictions on and abuses of workers' rights.

The government has made steady progress in addressing the problem of trafficking of women in the sex trade and children in the camel racing industry. In July, the government enacted a law, immediately enforceable, criminalizing the participation of children under age 18 in camel racing. During the year, the government rescued, rehabilitated, and repatriated 1,034 underage boys from camel training and racing. The government opened criminal cases against more than 65 persons, convicting at least 22, for trafficking-related offenses against women and children. In December, President Khalifa announced, and the Supreme Ruling Council endorsed, a decision to indirectly elect half of the consultative FNC.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits torture, and there were no reports that government officials employed it; however, courts applying Shari'a (Islamic law) sometimes imposed flogging sentences on both Muslims and non-Muslims as punishment for adultery, prostitution, and consensual premarital sex. In March, the Dubai Shari'a court sentenced a pregnant Asian housemaid to 150 lashes and deportation for adultery.

Flogging was also imposed as punishment for defamation of character, and drug or alcohol abuse. There were credible reports that some authorities used leather straps and canes to administer floggings, which left substantial bruising, welts, and open wounds on the recipients' bodies.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, prison conditions varied widely from emirate to emirate, and some rural prisons were overcrowded and had spartan living conditions. Again during the year, there were reports of prison overcrowding in Abu Dhabi and Dubai prisons. Noncitizens represented approximately 75 percent of all prisoners. Men and women were housed separately. Conditions for women were equal to or slightly better than those for men. Pretrial detainees were held separately from convicted criminals before trial. Juveniles were held separately from adults. Prisoners convicted on national security grounds were held separately from the general populace, in special sections of the regular prisons. Conditions in these sections were not significantly different than other parts of the prisons. There were credible reports that government officials discriminated against prisoners with HIV by not granting commuted sentences or parole that other prisoners with similar records had received.

Police in Dubai and Abu Dhabi stated that NGOs and the International Committee of the Red Cross have access to observe prison conditions if requested; however, there were no reports of any requests for such visits during the year.

Representatives of religious and national communities regularly met with prisoners. Representatives from the General Women's Union (GWU), a local organization partially funded by the government, regularly met with female prisoners, helped them financially, and paid airfare, when necessary, to repatriate noncitizens after their release.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, there were reports that the government held persons in official custody without charge; and that the government charged individuals but denied them a preliminary judicial hearing within a reasonable period. The law permits in-

definite incommunicado detention without appeal, and in one case the government held a prisoner incommunicado for several months at least.

Role of the Police and Security Apparatus.—The federal Ministry of Interior oversees Police General Directorates in each of the seven emirates; however, each emirate, via its corresponding Police General Directorate, maintains its own police force and supervises the police stations therein. While all emirate police forces theoretically are branches of the ministry, in practice they operate with considerable autonomy. Police stations take complaints from the public, make arrests, and forward all cases to the public prosecutor. These cases are then transferred to the courts. All cases are filed with the Ministry of Interior. While reported incidents of police corruption are uncommon, the ministry intervened several times in criminal cases to keep local police actions in harmony with federal law and policy.

The government has taken measures to upgrade police capability to enforce anti-trafficking standards. In May, the government created a 70-person anti-trafficking section within the Ministry of Interior, and in October Dubai Police established a special Human Trafficking section that works in conjunction with the Human Rights Care Department.

Arrest and Detention.—The law prohibits arrest or search without reasonable belief, but the government did not always observe these provisions in practice. There were credible reports that security forces failed to obtain warrants in many cases. Indefinite detention without charge is permitted upon judicial review.

Under the Criminal Procedures Code, police are directed to report arrests within 48 hours to public prosecutors, who must determine within the next 24 hours whether to charge, release, or further detain the suspect pending an investigation. Public prosecutors may order that detainees be held up to 21 days without charge. In cases of felonies or misdemeanors punishable by imprisonment, authorities must obtain court orders after 21 days for additional detention. Court-ordered extensions may not exceed an additional 30 days of detention without charge; however, judges may continue to renew this 30-day detention period indefinitely and without charge. Suspects have the right to protest any extensions of their detention periods ordered in absentia, although this right was not afforded in cases of incommunicado detention. An anti-terrorism law passed in July 2004 allows public prosecutors to hold suspects in terrorism-related cases without charge for 6 months, an increase over the previous 3-week limit. Once a suspect is charged, terrorism cases are handled by the Supreme Court, which may extend the detention period indefinitely.

Several diplomatic missions again expressed concern that authorities failed to provide consular notification when their citizens were detained or arrested.

There is no formal system of bail; however, authorities can release detainees temporarily who deposit money, an important document such as a passport, or an unsecured personal guarantee statement signed by a third party. Those arrested on non-security charges were generally allowed to telephone third parties while in detention.

Defendants in cases involving loss of life, including involuntary manslaughter, can be denied release in accordance with the law. Release usually is permitted after a payment of compensation to the victims' families, commonly called *diya* or "blood money," which is a form of financial penalty imposed on defendants in criminal cases involving a killing.

A defendant is entitled to an attorney only after the police have completed their investigation. As a result, police can question accused persons sometimes for days or weeks without benefit of legal counsel if the Prosecutor General approves.

There were no reports of political detainees.

Amnesty.—Rulers of the individual emirates regularly pardon and pay the debts of prisoners on religious and national holidays. During the year, at least 1,420 prisoners were pardoned, and \$2 million (7.2 million dirhams) in debts paid. Most pardoned foreign nationals were deported.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, its decisions are subject to review by the political leadership. The judiciary, composed largely of contracted foreign nationals potentially subject to deportation, was not generally considered independent. The law prohibits women from serving in the judiciary.

There is a dual court system. Shari'a (Islamic law) courts adjudicate criminal and family law matters based on each emirate's interpretation of Islamic law; civil courts adjudicate civil law matters. Civil courts generally are part of the federal system, except in the Dubai and Ras al-Khaimah emirates, and are accountable to the Federal Supreme Court, which has the power of judicial review as well as original jurisdiction in disputes between emirates or between the federal government and individual emirates. The emirates of Dubai and Ras al-Khaimah have their own local

and appellate courts, which have jurisdiction over matters within their territories that the constitution and federal legislation do not specifically reserve for the federal system. The emirates of Dubai and Ras al-Khaimah do not refer cases in their courts to the Federal Supreme Court for judicial review, although they maintain a liaison with the federal Ministry of Justice, Islamic Affairs, and Endowments.

Each emirate administers Shari'a courts. In some emirates, these courts consider all types of civil and commercial cases as well as criminal cases and family matters. They act in accordance with their interpretation of Islamic law, but also are required to answer to the Federal Supreme Court, with the exception of the emirates of Dubai and Ras al-Khaimah. In criminal cases, Shari'a is applied first and, if evidence required by Shari'a is found insufficient, the Penal Code is used. Dubai has a special Shi'a council to act on matters pertaining to Shi'a family law (see section 5).

Trial Procedures.—The constitution does not provide accused persons the right to a speedy trial, but does provide the right to a fair public trial. Civil defendants at times demanded same-day disposition of the cases filed against them. Authorities generally brought criminal defendants to trial within two to three months, with the exception of more slow-moving drug-related cases, in which authorities are required to inform the office of the ruler for the emirate in which the offense was committed. There were credible reports that these cases often took more than six months to go to trial.

Trials can last more than a year, depending on the seriousness of the charges, number of witnesses, and availability of judges. In Abu Dhabi Emirate, review of criminal cases by the local ruler's court, or *diwan*, as well as an extralegal requirement that the *diwan* approve the release of every prisoner whose sentence has been completed, resulted in bureaucratic delays in processing or releasing prisoners, and some prisoners served time beyond their original sentences.

Approximately 50 percent of federal judges were noncitizen Arabs, whose mandates were subject to periodic renewal by the government. In contrast, judicial positions held by citizens are permanent and are subject to termination only for specific reasons set out in the Judicial Authority law. The percentage of citizens serving as public prosecutors and judges, particularly at the federal level, continued to increase. Although each emirate varies, approximately 75 percent of public prosecutors were citizens.

Defendants have a limited right to legal counsel. Under the Criminal Procedures Code, the defendant has a right to request government-provided counsel in all cases involving a capital crime or possible life imprisonment, regardless of whether the defendant is financially able to hire counsel. The government may provide counsel, at its discretion, to indigent defendants charged with felonies punishable by imprisonment of 3 to 15 years. The Penal Procedures Law states that defense counsel may be present during any investigation, but only at the prosecutor's discretion.

Defendants are presumed innocent until proven guilty. All trials are before judges, not juries, and trials are public, except for national security cases and those deemed by the judge likely to harm public morality. By law all prosecutions are conducted in Arabic; the defendant has no right to a translator.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the emirate in which the offense is committed, or to the president of the federation, although in the case of murder, only the victim's family may commute a death sentence. The government normally negotiates with victims' families for the defendant to offer financial compensation, or *diya*, to the victims' families to receive their forgiveness and commute death sentences.

Non-Muslims who are tried for criminal offenses in Shari'a courts can receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims can be overturned or modified by a higher court.

In cases in which a defendant is acquitted, the prosecutor may appeal the acquittal to a higher court. The higher court may receive additional evidence. An appellate court must reach unanimous agreement to overturn an acquittal.

The local rulers' *diwans*, following traditional prerogatives, maintained the practice of reviewing many types of criminal and civil offenses before cases were referred to the prosecutor's office. The *diwans* may review sentences passed by judges and return cases to the court on appeal. The *diwans'* involvement, which typically occurs when the case involves parties from two different emirates or a citizen and a noncitizen, can lead to lengthy delays prior to and following the judicial process.

The military has its own court system. Military tribunals try only military personnel. National security cases are heard solely by the Supreme Court.

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

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution prohibits entry into homes without the owner's permission, except when police present a warrant in accordance with the law; however, there were credible reports that security forces sometimes failed to obtain warrants. Only police officers and public prosecutors carrying a warrant are permitted entry into homes. Officers' actions in searching premises are subject to review, and officers are subject to disciplinary action if their actions are judged to be irresponsible. Local custom and practice place a high value on privacy, and entry into private homes without owners' permission was rare. A female police officer is required to be present during the search of a private home when male family members are absent.

Authorities do not commonly screen private correspondence; however, there have been reports of censorship of incoming international mail. The government-owned Internet provider, Etisalat, regularly blocks internet sites determined to be "objectionable" (see section 2.a.).

Family matters for Muslims are governed by Shari'a and the local Shari'a courts. Muslim women are forbidden to marry non-Muslims. In such cases, both parties can be arrested and tried. However, Muslim men are free to marry all women "of the book," i.e., Muslim, Christian, and Jewish women (see section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Article 30 of the constitution provides for freedom of speech and of the press; however, the government restricted these rights in practice. The UAE Print and Publication Law prohibits, under penalty of imprisonment, criticism of the government, ruling families, and friendly governments, as well as other statements that threaten social stability; however, the law was rarely enforced because journalists practiced self-censorship. The government tries complaints against journalists under the Penal Code.

Two of the country's newspapers, *al-Ittihad* and *al-Bayan*, were government-owned. The country's largest Arabic language newspaper, *al-Khaleej*, was privately owned but received government subsidies. The country's largest English language newspaper, *Gulf News*, was also privately owned. Newspapers often relied on news agencies for material. The government-owned Emirates News Agency regularly provided material printed verbatim from many newspapers and from government officials.

By law, the Ministry of Information licenses all publications. The ministry is informed of the appointment of editors and is responsible for issuing editors their press credentials. The Press and Publications Law governs press content and contains a list of proscribed subjects. Government officials reportedly warned journalists when they published material deemed politically or culturally sensitive. According to Ministry of Information and Dubai Police officials, journalists were not given specific publishing instructions. Self-censorship was the practice, with the ministry relying on editors' and journalists' discretion to publish or refrain from publishing material which could cause them problems.

A 2002 de facto ban prohibiting 10 prominent intellectuals from publishing opinion pieces in the country's Arabic and English language media continued. The ban was lifted in 2004 for at least two of the individuals, and they have since returned to writing and teaching. There was one new report of an academic that was banned from teaching in the university, although no reason was initially given and no further details were available.

While self-censorship affected what was reported locally, foreign journalists and news organizations operating out of the Dubai Media Free Zone reported no restrictions on the content of print and broadcast material produced for use outside the country. Broadcast content within the Dubai Media Free Zone is regulated by the Free Zone Authority for Technology and Media. There were reports that some broadcast channels in the Media Free Zone broadcast songs and cellular short message service (SMS) messages described as "indecent" by government officials, which were accessed by the local audience. In response, on April 16, Dubai Police and the Juvenile Welfare Association launched a five-year campaign to spread the message that indecent content would not be tolerated within the Media Free Zone.

Except for those located in Dubai's Media Free Zone, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship. The main pan-Arab dailies were not censored and were distributed on the day of publication. Censors at the Ministry of Information and Culture reviewed all imported media and banned or censored before distribution material considered pornographic, excessively violent, derogatory to Islam, supportive of certain Israeli government positions, unduly critical of friendly countries, or critical of the government or ruling families.

On June 15, Basma al-Jandaly, a local newspaper reporter, was arrested at the Dubai airport because of an article she had written in February about a man who had stalked and slashed women with a knife in Sharjah Emirate. The warrant issued by Sharjah police contended that her article in Dubai's leading English daily, *Gulf News*, may have helped the attacker escape by alerting him to the investigation. The interior minister immediately intervened on the reporter's behalf and ordered her released the following day. The minister also issued a subsequent directive that all police departments must establish standard operating procedures for dealing with complaints against the press that will allow journalists to do their jobs without undo interference.

On July 26, two journalists were found guilty of defamation and libel for publishing opinion pieces in *al-Ittihad* newspaper in 2003, and were each fined \$5,465 (20,000 dirhams). According to press reports, one of the journalists criticized a decision by the Ministry of Education to alter approved curriculums and cancel some subjects at several private schools midway through the academic year, while the other journalist was tried as an accomplice because he was the managing editor.

Internet access was provided through the state-owned monopoly Etisalat. A proxy server, intended to block material regarded as pornographic, violent, morally offensive, or anti-governmental, as well as sites promoting radical Islamic ideologies, in practice blocked broad categories of sites including many that did not meet the intended criteria, including www.newyorktimes.com and www.cnn.com. The Etisalat proxy server provided access to America OnLine email but blocked other features that enable users to chat online. Etisalat denied having the authority to block any site, and referred all complaints and suggestions to the Ministry of Information. Etisalat occasionally solicited suggestions from users regarding "objectionable" sites, and at times the government responded by blocking some politically oriented sites, which were sometimes later unblocked. Etisalat also blocked commercial "voice-chat" and Voice over Internet Protocol (VOIP) Web sites on the Internet. The proxy server did not affect Internet access in Dubai's Internet City and Media City.

Academic materials destined for schools were routinely censored. Students were banned from reading texts featuring sexuality or pictures of the human body.

b. Freedom of Peaceful Assembly and Association.—Article 33 of the constitution provides for freedom of assembly and association. Organized public gatherings require a government permit. No permits were given for organized public gatherings for political purposes. In practice, the government did not regularly interfere with informal gatherings held without a government permit in public places, unless there were complaints.

Freedom of Assembly.—During the year, there were approximately 20 widely publicized, organized gatherings of workers complaining of unpaid wages and unsuitable working conditions before the Ministry of Labor and Social Affairs building. These gatherings occurred without prior government permission but also without government interference (see section 6).

Citizens normally confined their political discussions to the frequent gatherings, or *majlises*, held in private homes. There were many citizen associations subsidized by the government, organized for economic, religious, labor, social, cultural, athletic, and other purposes, but not for political purposes.

Freedom of Association.—There are no political organizations, political parties, independent human rights groups, or trade unions (see sections 3 and 6.a.). All non-governmental organizations (NGOs) are required to register with the Ministry of Labor and Social Affairs, after which they may receive subsidies from the government based on the membership size. Approximately 100 domestic NGOs were registered with the ministry. However, despite the requirement, more than 20 unregistered local NGOs focused on non-political topics, operate with little or no government interference. The Human Rights Committee of the Jurists Association, a government-subsidized association of lawyers and judicial personnel, focused on local and regional human rights issues. The percentage of citizen membership in NGOs varied widely. All private associations, including children's clubs, charitable groups, and hobby associations, required approval and licensing by local authorities, although this requirement was enforced loosely in some emirates (see section 4).

Private associations must follow the government's censorship guidelines and receive prior government approval before publishing any material. Participation by NGO members in any event outside the country is subsidized and directed. Participants must obtain government permission before attending such events, even if they are not speakers.

c. Freedom of Religion.—The constitution provides for freedom of religion in accordance with established customs, although these customs restrict this right in practice. The constitution declares that Islam is the official religion of all seven

emirates. According to the country's first census in 2001, 76 percent of the 4.04 million total population was Muslim, 9 percent was Christian, and 15 percent belonged to other religions. There is a small resident Jewish population of unknown size; there are no synagogues. There were no reports of anti-Semitic acts or statements.

The government controlled all Sunni and Shi'a mosques, prohibited the proselytizing of Muslims, and restricted freedom of assembly and association, thereby limiting the ability of religious groups without dedicated religious buildings to worship and conduct business. The government funded or subsidized approximately 95 percent of Sunni mosques and employed all Sunni imams; approximately 5 percent of Sunni mosques were entirely private, and several prominent mosques have large private endowments. A committee of the Ministry of Justice, Islamic Affairs, and Endowments drafts and distributes all Friday sermons to Sunni and Shi'a imams. The government monitors all sermons for political content. During the year, the ministry distributed Friday sermons that condemned terrorism and extremism and encouraged moderation in Islam. The effort was covered widely in print and broadcast media.

The government supports a moderate interpretation of Islam; however, as the state religion, Islam is favored over other religions and conversion to Islam is viewed favorably. All Sunni imams are employees of either individual emirate departments or of the federal Ministry of Justice, Islamic Affairs, and Endowments. Dubai's department of Islamic affairs and endowments has approval authority over preachers in that emirate's private mosques.

The Shi'a minority, concentrated in the northern emirates, was free to worship and maintain its own mosques. All Shi'a mosques were considered private and received no funds from the government. The government did not appoint sheikhs for Shi'a mosques, but it did monitor all sermons closely. Shi'a Muslims in Dubai can pursue Shi'a family law cases through a special Shi'a council rather than the Shari'a courts.

Several non-Muslim groups own houses of worship where they can practice their religion freely, although the local ruler owns the land. Groups that did not have their own buildings were limited in their ability to assemble for worship and required to use the facilities of other religious organizations or worship in private homes. The police or other security forces did not interfere with these gatherings.

Individual emirates exercised considerable autonomy in religious matters. There did not appear to be a formalized method of granting official status to religious groups. Facilities for Christian congregations were far greater in number and size than those for other non-Muslim groups, which significantly outnumber the Christian population. There are 24 Christian churches in the country, and Christian primary and secondary schools operate in four emirates. There is one temple for both Sikhs and Hindus located in Dubai. There are no Buddhist temples; however, Buddhists, along with Hindus and Sikhs in cities without temples, conducted religious ceremonies in private homes without interference. There are only two cremation facilities and associated cemeteries for the large Hindu community, one in Dubai and the other in Abu Dhabi. Official permission must be obtained to use the facilities in every instance, which poses a hardship for the large Hindu community. In October, the government refused to allow the Hindu community in Abu Dhabi to cremate the body of an Indian construction worker.

The government prohibits Muslims from converting to other religions. Although non-Muslims in the country are free to practice their religion, they are subject to criminal prosecution, imprisonment, and deportation if found proselytizing or distributing religious literature to Muslims. There are no specific laws against missionary activities, and there were no reports of authorities revoking residence permits of persons suspected of such activities. On February 21, two foreign women on a mission trip with the Tom Cox World Ministries were arrested by Dubai Police while passing out Bibles and religious CDs during the Dubai Shopping Festival. They were charged with possession and distribution of religious materials (26 CDs and 19 Bibles), and being an "affront to Islam." Dubai Police released the two women within hours of their arrest, but confiscated their passports. On March 3, both women departed the country. Missionaries have performed humanitarian work since before the country's independence in 1971. There is no restriction on proselytizing non-Muslims.

The country's sole Internet service provider, Etisalat, blocked websites containing religious information. These sites included information on the Baha'i Faith, Judaism, negative critiques of Islam, and testimonies of former Muslims who had converted to Christianity. 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 or relocation within the country, and the government generally respected these rights in practice.

Unrestricted foreign travel and emigration is permitted for male citizens, except those involved in legal disputes under adjudication. Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country by taking custody of their passports (see section 5). However, there was no enforcement of this custom at exit points unless there was a court order barring an individual from traveling. All citizens have the right to return.

There was a small population of “stateless” residents who either were without citizenship or had no proof of citizenship for any country. Many such persons have lived in the country for more than one generation. Many stateless residents originally were from Iran and South Asia. Other stateless residents included Bedouins and their descendants who were unable to prove they originated in the country.

There is no formal procedure for naturalization, although foreign women may receive citizenship through marriage to a citizen after 10 years, and anyone may receive a passport by presidential fiat. Since naturalized citizens are not of the country’s original tribal groups, their passports and citizenship status may be revoked for criminal or politically provocative actions. However, such revocations were rare, and there were no reports of such occurrences during the year.

Children born to male citizens acquire citizenship at birth. The same benefit does not extend to children of female citizens married to noncitizens; however, female citizens under these circumstances can apply to the Ministry of Presidential Affairs for citizenship for their children. Passports are generally issued and citizenship is generally received even though there is no provision in the law.

In 2003, the government banned the widespread practice of employers forcing foreign national employees to surrender their passports as a condition of employment; however, this ban was generally not enforced. This practice prevented international travel or repatriation by foreign national employees without their employers’ consent, and it especially affected employees in the resolution of employment disputes. Citizens were not restricted in seeking or changing employment. However, foreign nationals in most occupations are not permitted to change employers without first leaving the country for six months, unless the former employer agrees to waive the requirement (see section 6.e.).

The constitution prohibits forced exile, and there were no reported cases 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, and the government has not established a system for providing protection to refugees. The government did not provide protection against *refoulement*, or the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum.

Refugees generally were required to petition for settlement in third countries. In the past, the government detained persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in third countries.

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

The law does not provide citizens with the right to change their government peacefully, or to freely change the laws that govern them. There are no democratic elections or institutions, and citizens do not have the right to form political parties. Federal executive and legislative power is in the hands of the Federal Supreme Council, a body composed of the hereditary rulers of the seven emirates that elects from its members the country’s president and vice president. Decisions at the federal level generally are made by consensus among the rulers, their families, and other leading families. The seven emirate rulers, together with their extended families and those persons and families to whom they are allied by historical ties, marriage, or common interests, hold political and economic power in their respective emirates.

Elections and Political Participation.—In November 2004, the seven-member Federal Supreme Council elected Sheikh Khalifa bin Zayed al-Nahyan as head of state for a five-year term.

The rulers of the seven semi-autonomous emirates appoint the Federal National Council (FNC), a 40-person advisory federal consultative body. The members are drawn from each emirate in proportion to the population. The emirates of Abu Dhabi and Dubai each have eight seats; the emirates of Sharjah and Ras Al Khaimah have six; and the smaller emirates of Ajman, Umm Al Qaiwain, and Fujairah each have four. Each FNC member serves a term of two years. The FNC

has no legislative authority, but generally reviews all federal draft laws and decrees before they are officially adopted by the Federal Supreme Council; the FNC does not have the power to draft or reject legislation. It can, however, send legislation back to the cabinet for amendment. The FNC also has the authority to question any government minister. The FNC's plenary sessions were open to the public.

On December 1, President Khalifa announced that the FNC would be partially elected for the first time in its history. On December 3, the Supreme Ruling Council endorsed this initiative. According to the announcement, indirect elections will be held for half of the FNC, with the other half being appointed. The timetable for the elections was not yet known, although government officials quoted in the press have indicated that the process would start early in 2006.

The ruling families, in consultation with other prominent tribal figures, choose new emirate rulers. By tradition, rulers and ruling families are presumed to have the right to rule, with their incumbency ultimately depending on the quality of their leadership and their responsiveness to their subjects' needs. Emirate rulers were accessible, in varying degrees, to citizens with a problem or a request.

There were very few women in senior government or business positions. There were no female members of the FNC or the judiciary. The Federal Judicial Authority law prohibits women from working as judges or public prosecutors. During the year women underwent public prosecution training, and in August three women were appointed to senior administrative positions in the Dubai Public Prosecutor's Office, but not as prosecutors.

Other women in senior federal government positions included the Minister of Economy and Planning, who was the first woman to serve on the federal Council of Ministers following her appointment in November 2004; an undersecretary in the Ministry of Labor and Social Affairs; and two assistant undersecretaries for education administration and curriculum development in the Ministry of Education.

During the year, there were 32 women serving as diplomats in the Ministry of Foreign Affairs, comprising approximately 10 percent of the diplomatic corps. Although there was no law prohibiting women from being diplomats, no women served as diplomats prior to 2001.

In Sharjah, 7 women served on the 40-seat Consultative Council and 2 women served as directors of local departments. In the other emirates there were no women in non-federal senior government positions.

Although the small Shi'a minority enjoyed commercial success, there are no Shi'a in top positions in the federal government.

Government Corruption and Transparency.—There were reports of government corruption at the administrative level. An Abu Dhabi Police study published in February cited a problem of "rampant" bribery, nepotism, embezzlement, and abuse of power throughout local administrations. Subsequently, special anti-corruption sections were established to investigate and prosecute violators. In December the Penal Code was amended to increase penalties for corruption-related offenses, including mandatory prison time (minimum of one year) for any government official accepting a bribe, up to five years for attempting to bribe an official, and various prison terms for embezzlement. These measures were taken by government officials in response to the problem of corruption.

The law provides for public access to government information, but this provision was followed only selectively. Requests for access were usually not denied, but simply went unanswered. Draft legislation was not available to the public, nor was there any period for public comment on proposed legislation.

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

There were no independent human rights organizations in the country. The only local human rights organization was the government-subsidized Jurists' Association Human Rights Committee, which focused on human rights education and conducted seminars and symposia subject to government approval (see section 2.b.).

Domestic NGOs were charitable, social, and educational in their purposes. They were required to register with the government and were subject to many regulations and restrictions. In practice, these restrictions, if violated, were often overlooked.

In July 2004, a group of citizens petitioned the Ministry of Labor and Social Affairs to approve the registration of an independent human rights NGO, the UAE Human Rights Society. Although the ministry, by its own regulation, is required to act on all such applications within 30 days of receipt, it had not acted by the end of the year. The ministry also had not acted on an application filed in April by a second group, the Emirates Association for Human Rights, seeking human rights NGO status.

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

Article 25 of the constitution provides for equality before the law without regard to race, nationality, or social status; however, there was institutional and cultural discrimination based on sex and nationality. Muslim women are forbidden to marry non-Muslims (see section 1.f.). Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country. All male citizens can pass citizenship to their children at birth, whereas female citizens married to noncitizens do not automatically pass citizenship to their children (see section 2.d.). Expatriate residents infected with HIV are denied all healthcare benefits, quarantined, and deported.

Women.—There is broad legal and societal discrimination against women. Shari'a, or Islamic law, governs the personal status of women, but civil law governs their activities in the civic and commercial sphere. The government was generally not effective in enforcing women's rights and protecting women from abuse.

Domestic abuse against women was a pervasive problem, with one study in February indicating that as many as 66 percent of all women permanently residing in the UAE had been subjected to domestic abuse. Almost 34 percent of respondents age 18 to 30 claimed to have been abused by a family member, and over 50 percent of respondents said that they witnessed their mothers being abused in the home. Abuse and rape are criminal offenses, and offenders are prosecuted and penalized. There were press reports of spousal abuse, including a case reported in July in which a man was convicted for beating his wife to death, although he was only found guilty of involuntary manslaughter because the court found that he was within his rights to beat her as a form of discipline. Forcible rape is punishable by death under the Penal Code, but is often not recognized in Shari'a courts. Assault without intent to kill is punishable by 10 years in prison, seven years if it only results in disability, and one year if only resulting in temporary injury.

The law protects women from verbal abuse and harassment from men outside the family; however, male guardians within the family have a positive legal right, in the Penal Code, to discipline women and children family members at their discretion, including use of physical violence. Violators outside of the immediate family are subject to criminal action, including up to one year in prison, a fine of not more than \$2,750 (10,000 dirhams) and deportation if not a citizen. During the year, the press reported incidents of men being arrested and prosecuted for harassing women in public. The Penal Code prohibits "disgracing or dishonoring" a person in public, punishable by a minimum of one year in prison, and 15 years if the person is under the age of 14. Committing an "infamous" act against the rules of decency results in six months in prison, and dishonoring a woman by word or deed on a public roadway results in up to one year in prison and a \$2,700 (10,000 dirhams) fine.

Police units are stationed in major public hospitals so that victims of abuse may file complaints, which fall under the jurisdiction of the Shari'a courts. In addition, attending physicians may call police to interview suspected victims of abuse. Social workers and counselors, usually female, also maintained offices in public hospitals and police stations. However, women sometimes were reluctant to file formal charges for social, cultural, and economic reasons.

All Dubai police departments, and many police departments in other emirates, have human rights and social support offices that provide assistance to women and children who are victims of abuse. When abuse is reported to local police, authorities may take action to protect the complainant; however, the government was generally not effective in protecting women from abuse. There were several reports that police authorities refused to protect women and instead encouraged them to return home. In some cases the authorities contacted the allegedly abusive husbands to transport their wives home.

In early February, diplomatic representatives were refused entry to the Dubai Immigration Detention Center by the deputy director of the center to talk to with potential sex trafficking victims awaiting deportation.

Identifying victims relies almost exclusively on the willingness of a victim to take the initiative in filing a complaint against a trafficker. The government has not developed an effective method to screen and identify real or potential trafficking victims at ports of entry or after arrests, unless they come forward on their own. The government grouped trafficking victims with other human rights cases. Other than former camel jockeys, the government did not know how many trafficking victims it assisted during the year. The government did keep records of the number of persons arrested and prosecuted for trafficking.

Some local and foreign employers physically and sexually abused female domestic servants (see section 6.e.).

No law prohibits female genital mutilation (FGM), which was primarily practiced among Somali, Omani, and Sudanese expatriates. The Ministry of Health prohibits hospitals and clinics from performing FGM; however, some private clinics in the northern emirates and rural areas continued to carry out the procedure.

Prostitution is illegal; however, it has become an increasing problem in recent years, particularly in Dubai. Substantial numbers of women reportedly arrived regularly from the states of the former Soviet Union, Africa, South Asia, East Asia, Eastern Europe, and other states of the Middle East, for temporary stays, during which they engaged in prostitution and other activities connected to organized crime. Although there was credible evidence that many prostitutes entered the country willingly for economic reasons, others were trafficked into the country (see section 5, Trafficking).

While prostitution was widely acknowledged to exist, the government did not address the issue publicly because of societal sensitivities. However, during the year, there continued to be press reports highlighting the problems of prostitution and human trafficking.

In addition to increased policing and tightened immigration procedures, authorities also restricted the number of visas issued to single young women from certain countries of concern; however, problems continued with more facile access at airports in the northern emirates and with airline tourism companies reportedly continuing to obtain tourist visas for prostitutes.

The government's interpretation of Shari'a is applied in personal status cases and family law. The law permits men to have more than one wife, but not more than four at any time. When a woman marries, her separate property (including her dowry, which is set by presidential decision at a maximum of approximately \$13,700 (50,000 dirhams) and the income of her separate property remain under her control and are not commingled with the separate property of her husband. However, there were several cases during the year where a woman's dowry exceeded this maximum amount, ostensibly to make it far more difficult for a woman to pay it back should there be a divorce. During the marriage, the husband is legally obliged to provide a marital home and necessities for his wife and children. In the event of divorce, a woman takes her separate property, any amount she receives in a property settlement with her husband, plus any allowance granted for her and her children's maintenance.

Laws of inheritance according to the government's interpretation of Shari'a apply equally to men and women, although laws of distribution may differ. For example, women normally inherit less than men; a brother inherits double what the sister inherits when a parent dies.

Divorce is permissible, although often very difficult for a woman to obtain. A woman may be granted a divorce if she can prove that her husband has inflicted physical or moral harm upon her. A woman also may sue for divorce if her husband has abandoned her for a minimum of three months, or if he has not maintained her upkeep or that of their children.

Divorced women normally receive custody of female children until the children reach the age of maturity or marry. Divorced women are normally granted custody of male children until the age of 13. If the court deems the mother to be unfit, custody normally reverts to the next able female relative on the mother's side. A woman who remarries may forfeit her right to the custody of children from a previous marriage. In July, the cabinet approved a Personal Status Law, which enables women to obtain a *khul'* divorce, or divorce by petitioning the Shari'a court, paying compensation, or returning their dowry to their husbands. The law also affects child custody guidelines, giving divorced women custody of female children only until the age of 13 and male children only until the age of 11.

Fornication is a crime. The government may imprison and deport non-citizen women if they bear children out of wedlock. In the event that a court sentences a woman to prison for such an offense, local authorities, at the request of the prisoner, may hold the newborn children in a special area within the prison or place them with a relative. In rare cases, children are held in other facilities until the mother is released from prison.

There are no legal restrictions on the travel of women. However, by custom and tradition, a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country by taking possession of their passports (see section 2.d.).

There are no legal prohibitions against women owning their own businesses. Female citizens working as doctors, architects, and lawyers typically did not face restrictions on licensing their own businesses; noncitizens of either gender may not license a business. The Abu Dhabi Chamber of Commerce, the UAE Businesswomen's Council, and the GWU regularly conducted programs to encourage small

business entrepreneurship by women. Three women members of the Dubai Chamber of Commerce served on the board of directors.

Women who worked outside the home sometimes did not receive equal benefits. Women also reportedly faced discrimination in promotion.

Public sector employees may receive as much as 6 months' maternity leave; however, citizen teachers receive only 45 days' maternity leave, with a guaranteed position after maternity leave.

Opportunities for women grew in government service, education, private business, and health services. According to Ministry of Planning, female citizens constituted approximately 26 percent of the national workforce, an 11 percent rise over the past 10 years. The government publicly encouraged female citizens to join the workforce and ensured public sector employment for all that applied. According to government statistics, women comprised approximately 42 percent of all employees in education, 34 percent in the health sector, 20 percent in social affairs, 28 percent of all civil servants, and 57 percent of citizens working in banking and financial services.

Women constituted approximately three-fourths of all university students. Coeducation is prohibited in public schools and universities except at the UAE University Executive MBA Program. Several private universities and institutions are coeducational.

Government-sponsored women's centers provided adult education and technical training courses. Women were actively recruited to work as police officers in airports, immigration offices, and in women's prisons. The Dubai Police College also recruited women. The armed forces continued to enlist women, and their numbers are increasing yearly. In January, the Army promoted a woman to the rank of Brigadier General Medical Corps Physician, the first woman in the military to reach that rank.

Neither the labor law nor the civil service law, which covers labor matters in the public sector, prohibits the employment of women. A man has no right under Shari'a to ban his wife from working if she was employed at the time of their marriage; however, some government administrations do not employ married women without their husbands' written consent.

Children.—The government was committed to children's rights and welfare, and expended resources on the welfare of citizen children; however, noncitizen children received fewer benefits.

All children received free health care and all citizen children also receive free public education through the university level. Noncitizen resident children were not permitted to enroll in public schools unless they lived in rural areas that lacked private schools. Many foreign workers in private sector employment received education allowances as part of their salary packages. For those who did not receive the extra salary benefit, the government provided an annual subsidy of approximately \$1,600 (6,000 dirhams) per family to its noncitizen employees for private school tuition.

Education is compulsory through the ninth grade. Citizen children are required to attend gender-segregated schools through the sixth grade, the last grade of primary education, when children can be as young as 10 or 11 years old. However, compulsory education was not enforced, and some children did not attend school. For the 2004–05 academic year, the Ministry of Education reported student dropout rates as 9.9 percent of the 143,301 primary level students (grades 1 to 5); 8.3 percent of the 148,563 middle school students (grades 6 to 9); and 9.3 percent of the 102,903 students at the secondary level (grades 10 to 12).

Housing benefits were also routinely granted to citizens with children. Some citizens opted for available government land grants and interest-free loans to build their homes. Citizens employed by the government were also eligible to receive higher salaries to support their children who were under the age of 18, were unmarried, or had disabilities. The government, through its Marriage Fund, encouraged citizens to marry fellow citizens by providing significant funding to subsidize dowries and to offset customarily high wedding expenses. The media regularly published articles encouraging citizens to have large families.

Child abuse, except in cases of children trafficked from abroad, was not prevalent. Trafficking of young, noncitizen boys employed as camel jockeys continued to be a serious problem, with the last known case of a child being used as a jockey occurring on March 30 (see section 5, Trafficking).

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although child smuggling, forced prostitution, kidnapping, fornication, and pornography are crimes. In practice, trafficking in women and girls used as prostitutes and domestic servants and men used as servants, laborers, and unskilled workers continued to be serious problems. Until March, very young boys used as camel jockeys also continued to be a serious problem.

However, the government has made steady progress in combating the problem of trafficking in regard to women in the sex trade and children in the camel racing industry. Prior to May 31, before the end of the two-month amnesty and before the promulgation of the new federal law on July 5, no one was prosecuted for trafficking in and/or abusing underage boys as camel jockeys. Between June and year's end, however, at least 17 persons were convicted under existing penal statutes of having trafficked or used young boys as camel jockeys prior to the promulgation of the federal law.

The government made significant progress toward eliminating the practice of trafficking in young foreign boys as camel jockeys, which until March had been a serious problem for many years. On July 5, President Khalifa promulgated a federal law that prohibits persons below age 18 from participating in camel races and subjects violators to imprisonment and financial penalties. The government also worked with UNICEF, source country embassies, and NGOs to rescue, rehabilitate, and repatriate approximately 1,034 children who had worked as camel jockeys. By year's end, an additional 39 children were in the remaining rehabilitation shelter awaiting repatriation.

In October 2004, an in-depth documentary by HBO's "Real Sports" program detailed the use of young boys as camel jockeys who were subjected to physical abuse and extremely harsh living and working conditions that, at times, led to serious injuries and death. All of these boys were foreign nationals who had been brought explicitly to work in camel racing. Most of the boys were from Pakistan, Sudan, Bangladesh, or Mauritania.

The trafficking in and abuse of underage camel jockeys persisted during the first several months of the year. In early February, at the Nad al-Sheba racetrack in Dubai, diplomatic representatives witnessed dozens of young foreign boys—some only three years old—still being used to train and race camels.

End-of-season camel races on March 9 in Dubai and on March 30 in Abu Dhabi featured underage camel jockeys. Internet reports stated that the race at Al-Wathba racetrack in Abu Dhabi was attended by sheikhs and that government security personnel cordoned off the racetrack to prevent foreigners from attending.

Until December 2004, camel racing was regulated by the Camel Racing Federation, composed of wealthy and influential owners. Since that time, camel racing has been regulated by the Ministry of Interior. On February 7, diplomatic representatives monitoring the use of children in camel racing, were refused entry into a camel race at Nad Al Sheba racetrack in Dubai on the orders of a senior Camel Racing Federation official.

In February, the Minister of the Interior created a Special Committee on Camel Racing and a 70-person Anti-Trafficking in Persons (TIP) Unit, both within the Ministry of Interior, to oversee government efforts to combat trafficking of young boys as camel jockeys.

On July 5, President Khalifa promulgated a federal law, effective immediately, that prohibits persons below age 18 of either sex from participating in camel racing, and subjects those involved with using underage persons for this purpose to jail sentences of up to 3 years and/or a fine not less than \$13,500 (50,000 dirhams). Penalties are doubled for repeat offenders. The Ministry of Labor and Social Affairs is empowered to enforce the law in coordination with other concerned agencies, including the Ministry of Interior. The federal law replaced a 2002 presidential decree that had "banned" the use of underage foreign camel jockeys. In practice the decree was unenforceable and largely ignored. No cases were prosecuted under the 2002 ban.

To supplement the law, the government tightened immigration controls by requiring children from the seven primary source-countries to enter the country on individual passports, not family passports. Federal immigration and residency officers at Dubai International Airport began enforcing the new passport rule, despite a six-month amnesty beginning on March 31.

In September, the Ministry of Interior issued a decision requiring camel farm owners to obtain identification cards for all of their jockeys before they can participate in camel races. Under this provision all camel jockeys are required to undergo medical testing to prove their age and fitness level before ID cards are issued. Jockeys must present their ID card to race officials prior to any race and display them while at racetracks. The government also mandated DNA testing for boys with questionable family ties, or those suspected to be trafficking victims, prior to a card being issued. According to UNICEF, these various measures have been seen in practice and seemed to be working.

The government worked with UNICEF, source country embassies and consulates, and NGOs to rescue, care for, and repatriate many boys who had been trafficked in to work as camel jockeys. On May 8, the Ministry of Interior signed a project

agreement with UNICEF for screening, identifying, rescuing, protecting, rehabilitating, and reintegrating children in the country working in the camel jockey industry. Under the agreement, the rescued child jockeys will receive aid for their health, education, job, and other rehabilitation needs for 2 years.

By year's end, the government reported that 1,034 boys had been repatriated to their home countries and 39 additional boys remained at the Bani Yas Social Support Center located outside Abu Dhabi, awaiting repatriation. During the year, the government provided \$2 million for care and repatriation of all the boys, which included financing of social services and resettlement sites in Pakistan, Bangladesh, and India to facilitate the children's returns to their home countries.

Of the 1,034 boys repatriated, approximately 548 were from Pakistan, 311 from Bangladesh, 151 from Sudan, 17 from Mauritania, and 7 from Eritrea. There were no government statistics available to estimate how many underage foreign boys originally trafficked into the country to work as camel jockeys still remained in the country.

Since June 2, the government reported that there have been 17 convictions for child trafficking in relation to camel jockeying, with an additional 31 persons under investigation. Approximately half of the 48 defendants in these cases were citizens, with the remainder from Pakistan (16), Sudan (9), Bangladesh (4), Mauritania (2), and Saudi Arabia (1). Sentences for the convicted ranged from six months' to three years' imprisonment plus deportation. Because these convictions and prosecutions were for crimes committed prior to the promulgation of the new camel jockey law on July 5, defendants were prosecuted primarily under articles of the Penal Code addressing juvenile labor and child welfare, forced labor, trafficking for slavery, and kidnapping. There is no record of anyone being convicted under the new camel jockey law.

During the year, there were a number of media reports of trafficking in women and girls into the country, especially to Dubai, for sexual exploitation. Observers believed that trafficking activity was conducted with the complicity of some of the women's citizen sponsors and by noncitizen traffickers.

Law enforcement, particularly in Dubai and Abu Dhabi, investigated reports of trafficking in women for prostitution. In 2004 and during the year, Dubai police closed 39 hotels in Dubai and several massage parlors and night clubs suspected of exploiting women for prostitution. Unlike in previous years, instead of summarily deporting women arrested for prostitution, the Human Rights Care Department housed in hotels all women who were victims of and could provide evidence about trafficking, until they could testify in trials against the traffickers. Victims who were unable to provide evidence were also assisted until they had acquired travel documents to return home.

During the year, the government convicted at least 12 persons, including at least 7 foreigners, of offenses related to trafficking in and exploiting women and sentenced them to prison terms of between 2 and 5 years (and in one case 90 lashes) and deportation.

The police in Abu Dhabi and Dubai, and the Ministries of Interior, Health, and Justice, all held anti-trafficking training courses throughout the year for police, prosecutors, and judges.

The government also provided assistance to trafficking victims. Counseling services were available in public hospitals and jails. The Dubai police also sponsored a Crime Victims' Assistance Program, and assigned program coordinators in police stations throughout the city.

Persons with Disabilities.—There is no federal legislation requiring accessibility for persons with disabilities; however, most public buildings provided access. There were no reported incidents of discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The Ministry of Labor and Social Affairs operated 5 federal rehabilitation centers, which were open only to citizens. The Ministry of Interior also operated a training and employment center in Al Ain, and implemented a program to educate 75 students with mental disabilities. There were reported inadequacies in both public and private centers, including unqualified teachers and supervisors, a lack of healthcare, and unreasonably high costs of private centers.

One percent of all jobs in the federal government are reserved for persons with disabilities.

National/Racial/Ethnic Minorities.—Societal discrimination against noncitizens, while not legally sanctioned, was prevalent and occurred in most areas of daily life, including employment, housing, social interaction, and healthcare. National origin played an important role in employment, immigration, and security policies, as well as cultural attitudes towards noncitizens, who comprised approximately 85 percent

of the national population. More than 50 percent of foreign workers were estimated to have come from the Indian subcontinent.

Noncitizens were denied access to many free or reduced-cost services provided by the government to citizens, including child and adult education, health care, housing, and social and recreational club memberships. While citizens who contract HIV are afforded full, continuous, and free health care, noncitizen migrant workers who contract the same disease are denied health care and deported.

Other Societal Abuses and Discrimination.—Although both civil law and Shari'a criminalize homosexual activity, in general, reports of discrimination against individuals based on sexual orientation were not widespread. However, on November 23, Abu Dhabi Police arrested 26 allegedly homosexual men—UAE nationals, Arabs, and Asians—who had gathered at an Abu Dhabi hotel for a party. Government officials reportedly said that the men were transferred to the ministry's Social Support Center and would "be given the necessary treatment, from male hormone injections to psychological therapies" after their trial. The Ministry of Interior later disavowed this statement. At year's end the case was not yet resolved.

Section 6. Worker Rights

a. The Right of Association.—The labor law, dating from 1980, does not specifically entitle or prohibit workers from forming or joining unions, and none existed; however, if they existed, unions would be subject to general restrictions on the right of association. Professional organizations do exist and collective work dispute resolution is explicitly permitted (see section 6.b.). International affiliation by professional associations must be approved by the government. The labor law does not cover the 2.1 million domestic servants, government workers, or agricultural workers.

Since 1995, the country has been suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the government's noncompliance with internationally recognized worker rights standards.

b. The Right to Organize and Bargain Collectively.—The labor law does not explicitly prohibit strikes or collective bargaining units for private sector employees, nor does it state explicitly that they are permitted; however, the law does provide for collective work dispute resolution, which took place. Professional associations, organized by profession (e.g., teachers, jurists, engineers, medical professionals, and social workers), are the only workers' associations that currently exist in the country. Most members of these associations are citizens. Although foreign workers may belong to these associations, they do not have voting rights and cannot serve on the boards of these organizations. Twenty persons from the same profession can request that the Ministry of Labor (MOL) permit an association to be formed. Each society holds biennial elections for its board, supervised by the ministry of labor. Officers must be citizens. Each association has a constitution, written by its members and approved by the MOL. Members pay annual dues of approximately \$33. The government granted some professional associations limited freedom to raise work-related concerns, to lobby the government for redress, and to file grievances with the government.

The labor law does not address the right to strike, but in practice the government has not retaliated against work stoppages by protesting laborers. MOL officials have said that the law does not forbid strikes, and if laborers feel they are denied their rights, they can stop working. In that case, such workers would be subject to deportation for breach of contract. There were no reports of groups of workers being deported for striking; however, at least one worker was deported for continuing to incite his coworkers to strike after the MOL had begun to take action on the case. Other employees who took part in the strike were not deported.

In practice, there were numerous strikes by private sector employees. For example, in March over 2,000 workers in Dubai marched toward the Dubai Labor Office to protest unpaid wages, but police turned them away. This was reportedly the seventh time in eight months they had approached the MOL about unpaid wages. Another dispute involved 73 Moroccans working for an interior decorator. The workers filed a complaint with the MOL for two months unpaid wages and for delayed issuance of work visas. The ministry denied the claim because the group had entered the country on tourist visas. On September 19, approximately 1,000 laborers from al-Hamed Construction Company blocked a major Dubai highway to protest unpaid wages. The MOL quickly met with both labor and company representatives and ordered the company to immediately pay all back wages.

In addition, workers participated in organized and impromptu gatherings almost daily in front of the MOL in Abu Dhabi and Dubai to complain of unpaid wages and hazardous or unfair working conditions. Generally, the workers at these gatherings did not have a permit to protest, but the government did not punish any workers for doing so. The government prohibits strikes by public sector employees

on national security grounds. Almost all strikes were in response to unpaid wages, and most involved construction companies (see section 6.c.).

Domestic workers' contracts were not covered by the labor law.

The MOL distributed information to foreign workers, both directly and through their sponsoring companies' public affairs offices, outlining their rights under the labor law and how to pursue labor disputes, whether individually or collectively. The information was generally available in Arabic and English, and usually Urdu. Employees may file individual or collective employment dispute complaints in Arabic with the MOL, which serves as the mediator between the parties. If the dispute remains unresolved, the employee may file a complaint with the labor court system. The labor law gives the ministry two weeks to resolve the dispute or refer it to the courts, although in practice, it generally takes a month or more. In all cases, complaints must be filed with the ministry before they can be submitted to the court for consideration. Parties in a collective work dispute may file complaints with the MOL. During the year, the ministry settled approximately 80 percent of complaints.

If the MOL is unable to mediate a settlement within 10 business days, the complaint is to be submitted to a Conciliation Committee for mediation, which consists of the manager of the labor department, a member of the Chamber of Commerce, a member of the vocational society chosen by the workers as a dispute representative, and a nonvoting legal expert from the ministry.

Either the employee or employer can appeal the Conciliation Committee's decision to a Supreme Committee of Conciliation, whose decision, while final, is only enforceable if both parties agree to the decision. Either party can, at any time in the process, ask that their dispute be referred to the Court of First Instance in the emirate where the alleged violation occurred. If a case cannot be settled, it is then referred to the court, where labor cases were quickly adjudicated during the year and not subject to court fees. Rulings were generally in favor of the workers and are fully implementable. In practice, most cases were resolved through direct mediation, and if that failed they were sent directly to the courts without going to the Conciliation Council. When a case is delayed, the MOL grants the worker temporary permission to legally continue employment in the country.

The Ministry of Interior's Naturalization and Residency Administration mandates use of standard contracts for noncitizen domestic servants, clearly listing the salary, work requirements, and duration of employment. Domestic workers may bring work-related disputes to Conciliation Committees organized by the Ministry of Interior or to the Court of First Instance, and the Ministry of Interior settles most disputes between employers and domestic servants.

The labor law governs all private-sector employment outside the free trade zones with the exception of domestic servants. During the year approximately 2.7 million workers were covered by the labor law. The MOL estimated that there were approximately 100 thousand persons working in the free trade zones, while 2004 International Monetary Fund (IMF) estimates show that approximately 264 thousand persons worked in government services, and more than 200 thousand domestic servants. Although those working in government services were covered under a separate Civil Service law, the 200 thousand domestic servants were not covered under any labor law. Domestic servants and agricultural workers have always been considerably disadvantaged in negotiating employment contracts because the mandatory requirements contained in the labor law do not apply. They also faced considerable difficulty in obtaining assistance to resolve disputes with their employers. The law ties workers' residency permission to their sponsorship by their employer. Moreover, most employment contracts stipulate that for six months after the end of employment, the employee is forbidden from working for a "competitor," unless the former employee obtains a letter of "no objection" from the former employer. This regulation has very severely restricted foreign worker labor mobility inside the country. In August, the MOL rescinded the six-month immigration ban for workers who change sponsors without a "no objection letter"; however, the Ministry of Labor and Social Affairs still waits six months to issue a new work permit with a new sponsor unless the employee presents a letter of "no objection" from the former employer. A letter of no objection is not needed if an employee proves that the previous employer has violated his/her labor contract, such as a delay in payment.

Businesses in the free trade zones do not have to comply with municipal law since they are considered a "country within a country." In practice, however, the federal law serves as the guideline for any labor issues in the free trade zones. One difference is in paid holidays: federal law dictates a minimum of 21 days paid leave, while the free trade zone law provides for only 7 days. The MOL did not regulate the free trade zones; instead, each free trade zone maintains its own labor department to deal with workers.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor for both adults and children; however, employment agents continued to bring some foreign workers to the country to work under forced or compulsory conditions. Women were brought to the country under false promises of legitimate employment and were instead forced into prostitution (see section 5). Low-paid unskilled and semi-skilled workers were also victims of contract switching, which occurs when a worker is offered a certain position, often secretarial, but receives work as a domestic servant or other similar position after obtaining a visa and labor card. When the worker receives the visa and labor card it is to work as a domestic servant or other similar position.

The law prohibits forced or compulsory child labor. However, for many years, including the first several months of the year, hundreds of young foreign children were trafficked into the country and forced to work as camel jockeys. During the year, the government took concrete steps to eliminate this practice, including issuing a new federal law and punishing violators (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law prohibits employment of persons under the age of 15 and has special provisions for employing those 15 to 18 years of age. The Ministry of Labor and Social Affairs is responsible for enforcing the regulations. The government does not issue work permits for foreign workers under the age of 18 years. Child labor was not tolerated, with the exception of child camel jockeys, which was prohibited after the promulgation of a federal law in July (see sections 5 and 6.c.).

e. Acceptable Conditions of Work.—Noncitizens comprised approximately 98 percent of the private sector workforce. According to the MOL, the country was a destination for a large number of unskilled workers, including up to 300 thousand domestic servants, most of them women from South and East Asia, and a much larger number of unskilled male workers, mostly from South Asia. These unskilled laborers actively competed for jobs in the country, and they were sometimes subject to poor working conditions. Female domestic servants sometimes faced abusive working conditions.

The government made significant progress toward eliminating the practice of trafficking in young foreign boys as camel jockeys, which until March had been a serious problem for many years (see section 5).

The standard workday is eight hours per day, and the standard workweek is six days per week; however, these standards were not strictly enforced. Domestic servants and agricultural workers were not covered by the labor law and were often obliged to work for longer periods. According to the MOL and the labor law, employees are entitled 2 days of annual leave per month after completing each of the first two 6-month periods on the job; after the first year, employees are entitled to 30 calendar days of annual leave, in addition to national holidays.

The government does not impose a minimum wage or have minimum wage guidelines, but in practice MOL officials are required to inspect all contracts covered by minimum wage, which cover about half of the work force, in order to ensure compliance with legally required benefits, allowances, and time of payments. Officials do not approve any labor contracts that stipulate substandard wages. Salaries depended on the occupation and employer and ranged from \$109 (400 dirhams) per month for domestic or agricultural workers to \$164 (600 dirhams) per month for construction workers to much higher salaries for highly skilled and white-collar employees. Compensation packages generally provided housing or housing allowances; however, low-skilled employees were often provided with substandard living conditions, including overcrowded apartments or lodging in unsafe and unhygienic "labor camps," lack of electricity, lack of potable water, and lack of adequate cooking and bathing facilities. Some low-paid workers did not receive these benefits, even if stipulated in their contracts. Local newspapers detailed numerous cases of non-payment of wages to foreign workers (see section 6b.).

Most foreign workers do not earn the minimum salary required in order to obtain residency permits for their families. The required monthly minimum salary for an accompanying family to obtain residency permits is \$1,090 (3,924 dirhams); the minimum salary requirement is \$817 (2,941 dirhams) per month when the government provides housing or an additional housing allowance to the foreign worker.

The law requires that employers provide employees with a safe work environment. Local medical experts recommended that it was inadvisable for laborers to work outdoors when the temperature exceeded 40 degrees Celsius, and that employers provide safety helmets and adjust work hours to reduce exposure to the sun. In late June, the MOL announced a new decree, effective July 1, requiring a four-hour midday break (12:30 p.m. to 4:30 p.m.) for outdoor laborers during July and August, the hottest months of the year.

Press reports indicated a “sharp drop” in cases of heat exhaustion requiring hospitalization; there were no official government statistics however. In July, the MOL began inspecting construction and outdoor worksites and identified at least 15 companies (of 80 inspected) that failed to enforce the break. These companies faced fines of \$2,700 (10,000 dirhams) for the first offense and were prohibited from importing new workers. According to the press, failure to comply with any ministry regulation results in all of a company’s transactions with the ministry being halted until the company is in compliance. Workers may file complaints with the MOL if these laws are not obeyed; the ministry reported that workers did file complaints during the year.

In Dubai Municipality, 39 construction workers died during the year, an increase of 14.7 percent from 2004. The accident rate jumped 66 percent, with 175 workers injured in construction accidents. The Dubai Building Department noted that the accident rate was an absolute increase, but that when taking into account the increase in construction it was a relative decline.

The MOL received 17,360 complaints during the year. The majority of complaints concerned unpaid wages. In 2004, the media reported an estimate by unidentified municipal sources of a 61 percent increase in construction site accidents during the year, rising to 149 accidents.

On October 29, the Dubai Police created a rapid intervention force within its human rights department and opened a 24-hour hotline for labor complaints. The hotline was staffed by employees that spoke English, Arabic, Urdu, and Hindi. The press reported that since its inception, the hotline received 20–25 complaints per day. The press reported that from November to December the hotline resulted in 23,717 workers receiving over \$4 million (15 million dirhams) in back wages, from 65 different companies.

The number of inspectors in the labor division of the Ministry of Labor and Social Affairs substantially decreased during the year after many of the inspectors resigned. Although inspectors attempted to enforce health and safety regulations, there were insufficient inspectors and resources to adequately enforce occupational health and safety codes in each emirate. There were frequently reports in the press of cases of workers who were killed on the job site as a result of inadequate safety measures. Workers’ jobs were not protected if they removed themselves from what they considered to be unsafe working conditions. However, the Ministry of Labor and Social Affairs can force employers to reinstate workers who were dismissed for refusing to perform unsafe work. Injured workers are entitled to fair compensation, and all workers have the right to lodge labor-related grievances with the MOL, which mediates the dispute between the parties. Either party has the right to end mediation at any time and have the complaint referred to the Court of First Instance. Workers, particularly unskilled workers, in dispute with their employers over unpaid wages, generally agree to a mediated settlement for less money than they are owed in order to avoid a protracted court battle. However, workers in disputes with employers generally do not take action due to fear of reprisals, including withdrawal of sponsorship or deportation.

Some employers abused domestic workers by excessive work hours; nonpayment of wages; verbal, physical, and sexual abuse; and restriction of movement. During the year, the government convicted at least five persons in separate cases involving abuse of domestic workers.

Domestic workers may file complaints with the Ministry of Interior or go to court, but were likely to be fined or countercharged with theft and deported. During the year, the ministry took action against hundreds of employers who abused or failed to pay their domestic employees. According to new regulations, ministry officials can ban an employer from further sponsorship of domestic employees after receiving four reports of abuse.

On July 12, the cabinet loosened the sponsorship and residency regulations to grant the MOL’s 2.7 million workers more freedom of movement in the labor market. (These workers do not include the approximate 264,000 government employees (covered by the Civil Service Law) or 200,000 to 300,000 domestic servants who are regulated directly by the Ministry of Interior.) The law took effect in August.

Under the law, all workers who enter the country on a labor permit are limited in the number of times that they may change employers under that permit. The new regulations allow foreign workers holding graduate or professional degrees to transfer jobs after one year, with no limit on the number of times that they can change employers. Foreign workers holding bachelor’s degrees are allowed to change employment after two years, with a maximum of two transfers. Foreign workers and laborers without university degrees are permitted to change employment after three years (allowing the employer more time to benefit from training the unskilled laborers), but only once. In each case, leaving the country for six months and filing for

a new labor permit restarts the process, thus allowing a worker more transfer opportunities.

All workers wishing to change employment must either complete their existing contract, provide a valid reason to dispute their existing contract (such as the non-payment of wages for at least three months), or obtain a letter of "no objection" from their current employer. Any worker not meeting one of these three criteria must leave the country for at least six months and apply for a new work permit before changing employers. Fees for changing sponsorship range from approximately \$400 (1,500 dirhams) to \$1,350 (5,000 dirhams), with the higher fees charged for unskilled laborers to change employers. The law requires the employer to pay this fee, but in practice the employer usually requires the employee to pay the fee, which can be prohibitive for low-wage earners.

The MOL fines companies approximately \$1,400 (5,000 dirhams) per year for each labor card that is expired. Failure to comply results in a cessation of all transactions with the MOL. A MOL official reported that employers often forced workers to pay the fine for an expired labor card and the fee for a new labor card, under threats of reprisals, including a cancellation of their sponsorship.

Employers historically have held their employees' passports, thus preventing them from leaving the country without prior permission. In 2003, the Federal Supreme Court ruled that employers could not legally withhold employees' passports because they were personal documents (see section 5). The MOL distributed pamphlets, in both English and Arabic, to foreign workers advising them to report employers who violated this regulation. However, there were reports that, in many cases, the law did not have a practical impact on either the private or public sectors, and withholding passports from employees was still widely practiced. There have been no recent or consistent attempts by the Ministries of Labor or Interior to enforce the regulation.

The government enforced health and safety standards and required every large industrial enterprise to employ a certified occupational safety officer; however, these standards were not observed uniformly.

YEMEN

Yemen is a republic under the leadership of President Ali Abdullah Saleh since 1978, and has a population of approximately 21 million. The law provides that the president be elected by popular vote from among at least two candidates endorsed by parliament. A 2001 referendum extended the president's term from five to seven years allowing President Saleh, who has been president of the unified Republic of Yemen since 1990, to remain in office, subject to reelection in 2006, until 2013. The prime minister is appointed by the president and as head of government, in consultation with the president, selects the Council of Ministers to assist in the duties of the executive branch. Although the country maintains a multiparty system, the General People's Congress (GPC) dominates the government. The bicameral legislature is composed of an elected 301-seat House of Representatives (Majlis al-Nuwaab) and an appointed 111-member Consultative Council (Majlis al-Shura). The 2003 parliamentary elections were considered to be generally free and fair; however, there were problems with underage voting, confiscation of ballot boxes, voter intimidation, and election-related violence. Although the parliament was not an effective counterweight to executive authority, it demonstrated increased independence from the government for a second consecutive year. 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 human rights in some areas; however, its record remained poor in other areas. The government and unidentified parties usually associated with the government or security forces intensified harassment of journalists and political critics.

The following human rights problems were reported:

- limitations on citizens' ability to change government
- acknowledged torture
- poor prison conditions
- arbitrary arrest
- prolonged pretrial detention
- weak judiciary

- significant restrictions on freedom of press and assembly, and limited restrictions on speech
- intensified harassment of journalists
- limited freedom of association, religion, and privacy
- government corruption and lack of transparency
- discrimination against women
- child marriage
- trafficking in persons
- child labor
- restricted worker rights

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no politically motivated killings by the government or its agents; however, security forces killed or injured suspects during apprehensions.

In March the government resorted to military force after an armed rebellion in the northern governorate of Saada resumed. The rebellion was led by the “Shabab al-Moumineen” (The Believing Youth), a movement that follows the teachings of Shiite cleric Hussein Badr Eddine al-Houthi, who was killed by security forces in September 2004. The government confirmed that 500 troops were killed; however, press reports estimated that approximately 500 troops and “hundreds” of rebels were killed during the fighting. Unofficial sources estimated the death toll to be near 800 troops, 600 rebels, and less than 100 civilians. No official estimates of civilian deaths are available. Opposition media and political leaders claimed the government used excessive force in suppressing the rebellion. Some al-Houthi supporters captured during the first and second conflict remained in detention or were prosecuted at year’s end (see section 1.d.). Intermittent clashes between rebels and government troops in the north continued.

From July 19–20, during violent demonstrations in several cities, approximately 43 persons were killed and 471 were injured. Demonstrators were protesting the rise in gas prices after the government lifted fuel subsidies (see section 2.b.).

From March 28 through mid-April, a series of grenade attacks aimed at security personnel and installations killed 5 civilians and injured 28 others in the capital city. The attacks were carried out by followers of the Shabab movement in retaliation for the government’s actions in Saada. At year’s end 37 defendants were standing trial for the Sana’a attacks.

Tribal violence resulted in a number of killings and other abuses, and the government’s ability to control tribal elements remained limited (see section 5). In several cases long-standing tribal disputes were resolved through government-supported mediation by nongovernmental actors.

Fatal shootings and violence continued during the year. In most cases, it was impossible to determine the perpetrator or the motive, and there were no claims of responsibility. Although a few may have had criminal, religious or political motives, most appeared to involve tribal revenge or land disputes.

b. Disappearance.—There were no reports of politically motivated disappearances; however, during the year, there were some reports of tribal kidnappings, traditionally committed to attract government attention to a particular grievance.

On August 7, tribesmen held 3 Spanish tourists for 12 hours to demand the release of a tribal member being held in an Aden jail. On August 17, tribesmen kidnapped 10 employees of the office of the UN High Commissioner for Refugees (UNHCR) in the Shebwa governorate to demand that the government resolve a land dispute. On November 21, two Swiss tourists were kidnapped in Marib governorate. On December 21, two Austrian tourists were also held for three days by area tribesmen. In both cases captors demanded that the government release imprisoned fellow tribal members. On December 28, the former German deputy vice-minister of foreign affairs and his family were kidnapped while touring southern Yemen. In that case tribesmen also requested the release of fellow tribe members from government prisons. In all the cases the government sent negotiators who secured the hostages’ release. There were some known instances of carjacking during the year perpetrated by economically motivated tribal elements.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, members of the Political Security Office (PSO) and Ministry of Interior (MOI) police forces tortured and abused persons in detention. Authorities used force during interrogations, especially against those ar-

rested for violent crimes. Although penal law permits amputations and physical punishment such as flogging for some crimes, which the government maintains is in accordance with Shari'a (Islamic law), there were no reports of amputations or floggings during the year.

The government acknowledged that torture occurred; however, it claimed that torture was not official policy. For the second consecutive year, journalists, government, and human rights nongovernmental organization (NGO) officials reported that both instances and severity of torture in MOI prisons declined. In cases where there was torture, illiteracy, lack of training among police, corruption, and pressure from superiors to produce convictions usually played a role.

Torture continued to remain a problem in PSO prisons, which were not monitored by other government agencies. There were credible reports pointing to a preferred use of nonphysical abuse, such as sleep deprivation, cold water, and threats of sexual assault, as the primary form of torture in PSO prisons. In October two former PSO prisoners reported being repeatedly tortured and made to sleep without blankets in cold cells while being held without charge. There were reports that the MOI's Criminal Investigative Department (CID) routinely used torture to obtain confessions. On February 4, CID forces investigating a theft case in Dhamar governorate rounded up five suspects who were reportedly beaten during interrogation. One suspect confessed to the crime and was referred to the Attorney General's office for prosecution. The other four were released. Defense attorneys and some human rights NGOs observed that most confessions introduced as evidence against defendants in criminal courts were obtained through torture. Government sources vehemently denied this.

During the year approximately 14 police officials were disciplined or prosecuted for abuses. From those cases, seven officers were dismissed, and seven were referred to the courts for prosecution. Those cases remained pending at year's end.

On September 3, two MOI officers were put on trial for the 1999 torture-induced death of an Aden bombing suspect. Some human rights NGOs claimed that the defendants did not appear in court and were possibly being tried in absentia. There was no further information on this case at year's end.

In October 2004 seven Taiz police officers who were on trial for the severe torture of a juvenile murder suspect had their case suspended after they failed to appear for court. At year's end it was reported that the officers were free and living in Taiz and that authorities refused to re-apprehend them. There was no further action on the case.

Throughout the year the government took effective steps to curb torture in MOI prisons. From February and to October, the government, in conjunction with a national human rights NGO, the United Nations Development Program (UNDP), and the British government, trained over 340 MOI officers on the illegality of torture. Under the initiative, the same NGO printed and the government distributed a human rights guide for MOI officers. In the first week of July, 360 female officers completed similar training. The MOI, in conjunction with the Ministry of Human Rights (MHR), also intensified its monitoring of prison conditions around the country.

Security forces shot in the air and used tear gas against demonstrators and rioters on at least three separate occasions during the year (see section 2.b.). Reports indicated that troops burned fields during fighting with Shabab forces (see sections 1.g. and 2.d.).

Prison and Detention Center Conditions.—Although some observers noted improvements in MOI prison conditions in the past year, local and international observers reported that prison conditions, particularly in rural areas, remained poor and did not meet internationally recognized standards. Although the MHR and a number of NGOs were granted limited access to MOI prisons, the government severely limited access to PSO prisons by independent human rights observers.

During his six-month incarceration in the Sana'a Central Prison, Abdulkarim al-Khaiwani, who was imprisoned on violations of the press law and treason charges (see section 2.a.), was beaten several times by other prisoners.

Many prisons, particularly in rural areas, were still overcrowded with poor sanitary conditions and inadequate food and health care. In some cases prison authorities exacted bribes from prisoners to obtain privileges or refused to release prisoners who completed their sentences until family members paid a bribe.

Although women were held separately from men, and conditions were equally poor in women's prisons, their conditions differed in some respects. By custom, young children and babies born in prison were likely to be incarcerated along with their mothers. Local tradition requires male relatives of female prisoners to arrange their release; however, female prisoners regularly were held in jail past the expira-

tion of their sentences because their male relatives refused to authorize their release due to the shame associated with their alleged behavior.

In some rural and women's prisons, children were held with adults, and pretrial detainees were held with convicted prisoners. Security and political detainees generally were held in separate facilities operated by the PSO.

Unauthorized "private" prisons, in rural areas controlled by tribes, remained a problem. Tribal leaders misused the prison system by placing "problem" tribesmen in "private" jails, either to punish them for noncriminal indiscretions or to protect them from retaliation. At times such prisons were simply rooms in a tribal sheikh's house. Persons detained in such prisons often were held for strictly personal or tribal reasons without trial or sentencing. Although senior government officials did not sanction these prisons, there were credible reports of the existence of private prisons in government installations. During the year the MOI and MHR continued to implement directives to align the country's arrest, interrogation, and detention procedures more closely with international standards. The government stepped up efforts to close down unauthorized prisons during the year with limited success.

Persons with mental illness who had committed crimes were imprisoned without adequate medical care. In some instances authorities arrested without charge persons with mental illness and placed them in prisons with criminals.

In 2003 the president declared the release of mentally disturbed prisoners into the custody of mental institutions. At year's end MOI-run prisons in Sana'a, Aden, and Taiz operated in conjunction with the Red Crescent semiautonomous units for mentally disturbed prisoners. Due to a lack of resources, conditions in these units were reportedly deficient. In many cases prisoners with mental disabilities were held with general prison populations throughout the country. This was primarily due to a lack of adequate facilities and staff.

During the year the government spent approximately 2 million dollars (383 million Yemeni riyals) to help MOI prisons meet international standards and to alleviate overcrowding. The government built new prisons in four governorates, refurbished or expanded six additional prisons, and increased funding to implement prisoner education programs throughout the country. The government also built half-way houses for juvenile offenders in Sana'a and Taiz.

Although limited access was granted to family members of PSO-held detainees, requests for access by parliamentarians and NGOs were routinely denied. Access to MOI prisons was at times permitted, although parliamentarians and NGOs complained that it was subject to several limitations. In June 2004 the International Committee of the Red Cross (ICRC) suspended a second round of visitations to PSO prisons citing a lack of understanding of its universally applied procedures. The ICRC reported that after an October 2004 meeting, the MOI demonstrated a clearer understanding of ICRC protocols that called for greater access to the ministry's prisons. However, the ICRC was still working on understandings of protocols for access to PSO prisons and ICRC visits to MOI or PSO prisons had not resumed by year's end.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the government generally did not observe these prohibitions. Enforcement of the law was irregular and in some cases nonexistent, particularly in cases involving security offenses.

Role of the Police and Security Apparatus.—The primary state security and intelligence gathering apparatus is the PSO, which reports directly to the president. The newer National Security Bureau (NSB) also reports directly to the president's office. Many of its duties were still not clearly delineated and appeared to overlap with the PSO. The police CID reports to the MOI and conducts most criminal investigations and arrests. The Central Security Organization (CSO), also a part of the MOI, maintains a paramilitary force. Corruption was a problem, and there were no government investigations of police corruption during the year. There were reports that some police stations maintained an "internal affairs" section commissioned to investigate abuses, and that any citizen has the right to raise an abuse case with the prosecutor's office commissioned to investigate cases. Enforcement of the law and effective investigations were irregular due to weak government power in tribal areas and lack of resources.

Arrest and Detention.—According to the law, individuals cannot be arrested unless caught in a criminal act or served with a summons. Detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates that a detainee may not be held longer than seven days without a court order. Despite these constitutional and other legal provisions, arbi-

trary arrest and prolonged detention without charge or, if charged, without a public preliminary judicial hearing within a reasonable time remained common practices.

The law prohibits incommunicado detentions and provides detainees with the right to inform their families of their arrests and to decline answering questions without an attorney present; however, these rights were not always respected. The law states that the government must provide attorneys for indigent detainees; however, in practice this did not always occur. Almost all rural cases were settled out of court with tribal mediators. There are provisions for bail; however, some authorities abided by these provisions only if bribed.

Citizens regularly claimed that security officials did not observe due process when arresting and detaining suspects. Security forces at times detained demonstrators (see section 2.b.). Members of security forces continued to arrest or simply detain persons for varying periods of time without charge, notification to their families, or hearing. Detainees were often unaware of which agency was investigating them, and the agencies themselves frequently complicated the situation by unofficially transferring custodial authority of individuals to other agencies. Security forces routinely detained relatives of fugitives while the suspect was being sought (see section 1.f.).

The government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. The MOI and the PSO operated extrajudicial detention facilities. Unauthorized private prisons also existed (see section 1.c.).

On April 3, military forces arrested 22-year-old Munif Damesh and his 50-year-old uncle Naif Damesh, both of whom working for two foreign journalists, and detained them without charge or trial. At year's end the two were still being held for unknown reasons and had not been allowed to contact their family or a lawyer.

According to the National Organization for Defending Rights and Freedoms (HOOD), four Cameroonian nationals have been held in a PSO prison for unknown reasons since March 1995. On September 17, parliament inquired about the case to the minister of interior, who subsequently promised to transfer the Cameroonians' cases to the attorney general's office. At year's end no further information was available on their case.

An unknown number of supporters of the rebel Shiite cleric al-Houthi were either arrested or remained in detention. Although most human rights NGOs and international observers estimated that one thousand persons remained incarcerated, it was unknown how many of those detained participated in the armed rebellion. The government acknowledged that 400 al-Houthi supporters were detained during the year as a result of the March rebellion in Saada. Of those, 181 were released, and 219 were referred to the attorney general's office for prosecution. An MOI source stated that 404 al-Houthi supporters had been released. While many of those arrested participated in the renewed March rebellion against the government, other detainees were arrested for their support of the rebellion or familial or tribal connections with al-Houthi supporters. On August 16, 37 Saada detainees were put on trial for a series of grenade attacks in March against security officials in Sana'a. On September 28, their trial was temporarily suspended after President Saleh announced a general amnesty for all Saada detainees. At year's end the trial was ongoing.

In July, Amnesty International (AI) reported that security forces carried out mass arrests of al-Houthi followers in Sadaa and Sana'a and that many of those arrested were detained incommunicado. On May 8, security forces arrested Ibrahim al-Saiani, whose parents alleged to be 14 years old, after storming his family home in Sana'a. AI reported on October 31 that al-Saiani's health deteriorated in custody and that authorities were not able to confirm that he was receiving treatment. Al-Saiani is an alleged follower of al-Houthi and, at year's end, remained in detention without access to legal counsel.

During the year the government also continued to detain suspects accused of links to terrorism. The government did not publish numbers of detainees held under suspicion of terrorist affiliations or activities; however, NGO estimates ranged from 200 to 300 individuals.

On August 29, the government arrested 15 men in the Abyan governorate and 45 men in Aden governorate for their alleged affiliations with Jihadist movements. All the men remained incarcerated at year's end.

During the year the government arbitrarily arrested an increased number of persons with views critical of the government. On May 15, the government arrested journalist and activist Abdul Rahim Mohsen, who founded an organization to advocate political reform. Mohsen was held incommunicado for three days before he was released and charged with possessing alcohol. At year's end Mohsen was still not prosecuted on the charge.

A large percentage of the total prison population consisted of pretrial detainees, some of whom have been imprisoned for years without charge.

During the year the government increased inspection missions to secure the release of persons held without charge; however, in some instances the government did not resolve the cases it did investigate.

Throughout the year the government sponsored ideological dialogues led by Islamic scholars as part of a program aimed at convincing detainees to renounce extremist beliefs, denounce terrorism, pledge to obey the laws and the government, respect non-Muslims, and refrain from attacking foreign interests. Detainees who agreed to these conditions were released. These efforts reportedly had limited success. According to a human rights NGO, some detainees who were released under this program were re-arrested during the year.

Amnesty.—On September 26, President Saleh announced a general amnesty to all Saada detainees. On September 28, a local newspaper printed the names of 651 Saada detainees expected to be released. In an October 5 follow-up to his amnesty, the president ordered the formation of a committee to carry out his directives. An unspecified number of Saada detainees, likely fewer than 100, reportedly were released in October. There were no further developments at year's end.

On September 28, the government announced the release of 254 persons imprisoned during the July riots under a general amnesty (see section 1.a).

On October 30, the government reported that it would release 1,400 prisoners, including the 651 Saada detainees noted above, as part of its annual Eid al-Fitr Amnesty. The actual number of prisoners released could not be confirmed at year's end.

e. Denial of Fair Public Trial.—The law provides for an “autonomous” judiciary and independent judges; however, the judiciary was weak and severely hampered by corruption and executive branch interference. The executive branch appoints judges, removable at the executive's discretion. There were reports that some judges were harassed, reassigned, or removed from office following rulings against the government. Many litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced the verdict more than the law or the facts. Many judges were poorly trained; some were closely associated with the government. The judiciary was hampered further by the government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

There are six types of courts: criminal; civil and personal status; special cases (covering cases such as kidnapping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage); commercial; and court-martial. In recent years other limited jurisdiction courts have been established under executive authority, such as a juvenile and public funds court. The judicial system is organized in a three-tiered court structure. At the base are the courts of first instance, which are broadly empowered to hear all manner of civil, criminal, commercial, and family matters. A single judge may hear a case in these courts. Decisions taken in the courts of first instance may be appealed to the courts of appeal, of which there is one in each province and one in the capital. Each court of appeal includes separate divisions for criminal, military, civil, and family issues. Each division is composed of three judges. Above the courts of appeals is the Supreme Court.

The Supreme Court, the highest court, is empowered to settle jurisdictional disputes between different courts, hear cases brought against high government officials, and serve as the final court of appeal for all lower court decisions. The Supreme Court has eight separate divisions: constitutional (composed of seven judges including the chief justice), appeals' scrutiny, criminal, military, civil, family, commercial, and administrative. The Supreme Court has special panels empowered to determine the constitutionality of laws and regulations.

In addition to the regular hierarchy of courts, there are courts for military, juvenile, tax, customs, and labor matters, whose decisions may be appealed to the courts of appeal.

The government continued judicial reform efforts. During the year the UNDP, in conjunction with the Ministry of Justice (MOJ), established two model penal courts in Sana'a and Aden. These courts, which abided by higher standards of accountability and transparency than normal courts, were designed to provide greater access to under-represented groups such as women and the poor (see section 5). In January the Civic Democratic Forum, in conjunction with a foreign government, conducted training for 350 judges nationwide on judicial transparency. In April the government implemented a program to reform the infrastructure of eight courts of appeals to allow better access to litigants. During the year the MOJ also continued to conduct conferences around the country to strengthen the reform process.

Trial Procedures.—All laws are based on a mixture of old Egyptian laws, Napoleonic tradition, and Shari'a. There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. By law the gov-

ernment must provide attorneys for indigent defendants in high crime (felony) cases; however, in practice, this did not always occur. By law, prosecutors are a part of the judiciary and independent of the government; however, prosecutors also have a role in investigating criminal cases. The police were generally weak and played a limited role in developing cases.

The security services continued to arrest, charge, and submit cases to the prosecutor's office to try persons alleged to be linked to various shootings, explosions, and other acts of violence. Citizens and human rights groups alleged that the security forces and judiciary did not observe due process in most cases.

The accused are considered innocent until proven guilty. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. All defendants, including women and minorities, have the right to appeal their sentences. Trials were generally public; however, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes complained of biased rulings. The law extended to all citizens.

The law, social custom, and Shari'a, as interpreted in the country, discriminated against women, particularly in domestic matters. For example, men were permitted to take as many as four wives, although very few did so. Husbands were also allowed to divorce their wives without justifying their action in court. A woman was also permitted to divorce; however, she usually had to provide a justification, such as her husband's nonsupport, impotence, or taking of a second wife without her consent. Laws mandating that a wife must obey her husband were abolished by presidential decree in 2004.

In addition to regular courts, there is a system of tribal adjudication for non-criminal issues; however, in practice, tribal "judges" often adjudicated criminal cases as well. The results carried the same if not greater weight than court judgments. Persons jailed under the tribal system usually were not charged formally with a crime, but were publicly accused of their transgression.

A special court exists to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a "public danger," such as banditry and sabotage (see section 1.b.). This court provides the defendants with the same rights provided in the regular courts, but were more efficient and effective in enforcing those rights than regular courts. There are no military or security tribunals that try civilians.

There were no reports of prosecutors being dismissed for violating the law.

Parliament has exclusive jurisdiction over executive branch officials and their representatives for numerous crimes including bribery, interference and embezzlement. No government official was investigated or tried under this law during the year.

Political Prisoners.—The precise number of political prisoners, if any, was unclear, and human rights activists were unable to provide any specific data on political prisoners.

On March 23, Abdulkarim al-Khaiwani, who the government maintained was not a political prisoner since he was convicted lawfully in September 2004 for violations of the press law and treason (see section 2.a.), was released after being granted a presidential amnesty.

On May 29, a Sana'a court sentenced two imams, Yahia Hussein al-Dailami and Muhammed Ahmad Miftah, to death and eight years' imprisonment, respectively, for establishing contacts with Iran for the purpose of harming the country. The two men publicly opposed the government's action in Saada and formed the Sana'a Youth Organization, a group that supported al-Houthi. Both men maintained that they only advocated peaceful dissent against government action in Saada. On December 3, an appeals court upheld both verdicts and forwarded Dailimi's case to the Supreme Court for ratification.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such action; however, PSO and MOI police forces routinely searched homes and private offices, monitored telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Activities were conducted without legally issued warrants or judicial supervision. PSO and MOI police forces routinely detained relatives of suspects while the suspect was being sought (see section 1.d.). According to HOOD, over 100 such cases were reported throughout the country during the year.

The law prohibits arrests or the serving of a subpoena between the hours of sundown and dawn; however, there were reports that persons suspected of crimes were taken from their homes without warrants in the middle of the night.

No citizen may marry a foreigner without permission from the MOI (see section 5), but this regulation does not carry the force of law and appeared to be enforced irregularly.

The government claimed that it did not monitor Internet usage; however, the government occasionally blocked political websites and those it deemed to be sexually explicit (see section 2.a.).

In April the PSO arrested an 85-year-old man to secure the custody of a former Jihadist detainee who fled the country; the man had vouched that the detainee would remain in the country if he was released early. In Dhamar governorate, an 80-year-old man remained in MOI custody for the second year after MOI forces arrested him to secure the return of his son, who was wanted on murder charges. There were credible reports of entire families being detained in Saada to secure the custody of wanted individuals. Government informers monitored meetings and assemblies (see section 2.b.).

In other cases detention of family members continued while the concerned families negotiated compensation for the alleged wrongdoing. Arbitration and mediation by families, tribesmen, and other nongovernmental interlocutors was commonly used to settle such cases.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—As a result of the renewed fighting in Saada (see section 1.a.), approximately 100 homes and some small villages were destroyed and civilians were killed in crossfire. As many as 13 thousand persons may have been displaced by the conflict; most resided with other relatives in the area. Government forces exercised some degree of caution when fighting in civilian areas. The first 10-week Saada rebellion, which ended in September 2004 following the death of the rebel cleric Badr Eddine al-Houthi, claimed more than 600 lives. The actual number of civilians killed during that conflict was unknown.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press “within the limits of the law”; however, the government did not respect these rights in practice. The 1990 Press and Publication Law criminalizes “the criticism of the person of the head of state . . . [that] does not necessarily apply to constructive criticism,” the publication of “false information” that may spread “chaos and confusion in the country,” and “false stories intended to damage Arab and friendly countries or their relations” with the country. The country’s security apparatus, including the NSB and elements of the military threatened and harassed journalists to influence press coverage. Although most citizens were uninhibited in their private discussions of domestic and foreign policies, they generally were cautious in public, fearing harassment for criticism of the government.

The Ministry of Information influenced the media through its control of printing presses, subsidies to newspapers, and its ownership of the country’s sole television and radio outlets. Three independent newspapers and no opposition newspapers owned their own presses. There were 8 government-controlled, 41 independent, and 30 party affiliated newspapers. There were approximately 90 magazines of which 45 were private, 27 were government-controlled, and 18 were party-affiliated. The government selected the items to be covered in news broadcasts, and it often did not permit broadcasts critical of the government. The government televised parliamentary debates and occasionally permitted broadcasts of aggressive criticism of ministries.

Press law regulations specify that newspapers and magazines must apply annually to the government for licensing renewal and that they must show continuing evidence of approximately \$4,375 (700 thousand Yemeni riyals) in operating capital. There were no reports of denied registrations; however, there were reports that the government did not act on the license applications of at least two independent newspapers. The government granted new press licenses to at least three newspapers. Those papers claimed to be independent, although many journalists alleged that they were closely affiliated with the ruling GPC party.

In line with a June 2004 presidential declaration ending the practice of detaining journalists, editor-in-chief of the *As-Shura* newspaper, Abdulkarim al-Khaiwani, was pardoned on March 23 after serving six months of a one-year prison sentence. *As-Shura* published articles critical of the president’s handling of the al-Houthi rebellion and succession.

Although no additional journalists were incarcerated, the government and unidentified parties linked to the government or its security apparatus markedly increased pressure on independent and political party newspapers. Newspaper journalists reported that government harassment, including threatening phone calls to them and their families, attacks on their homes, brief imprisonments, and personal surveillance intensified during the year. Many journalists practiced self-censorship due to fear of government reprisal.

On November 26, the southwestern court in Sana'a issued a verdict against *Al-Tajamu*, a weekly affiliated with the Unionist Congregation Party, shutting down the newspaper and banning its distribution for six months. The court also condemned the paper's chief editor and a columnist for publishing an August 2004 article that allegedly contributed to ethnic conflicts. The court required the pair to pay a fine of \$773 (150 thousand Yemeni riyals) each and suspended the newspaper from publishing for six months.

Security forces continued to arbitrarily arrest and detain a number of persons with views critical of the government (see section 1.d.).

On January 3, police evicted all the staff and sealed the entrance to the building of the independent daily *Al-Hurriya*. In response to an October 2004 article criticizing the president, a Sana'a court shut down the daily in December 2004 and sentenced its editor, Abdulkareem Sabra, and one of its journalists, Abdulqawi al-Qubati, to two years in prison with hard labor. Both sentences were suspended on appeal.

On July 5, armed men, reportedly linked to the government, seized the offices of the *As-Shura* newspaper. The armed men subsequently permitted a new pro-government staff to occupy the paper's premises. The newspaper has since stopped publication, and the original staff created a news Web site with the same name.

On August 23, unidentified persons reportedly linked to security forces kidnapped and took to an undisclosed location Jamal Amer, the editor in chief of the independent *Al-Wasat* newspaper. During his six-hour ordeal, Amer was beaten, urinated on, interrogated about his contacts with foreign embassies, and threatened with death if he continued writing articles critical of the government. The attack came after *Al-Wasat* published an article on government scholarships being routed to government officials' children. The MOI promised to investigate the matter, although there were no developments by year's end. Military sources publicly denied involvement in the abduction.

On September 1, Air Force soldiers arrested Khalid Hammadi, a correspondent for the London-based *Al-Quds al-Arabi*, after he reported on a military plane crash. The soldiers required Hammadi to sign a pledge agreeing to not report on military issues as a condition to his release. The same day, a defense ministry official publicly warned journalists against writing on military issues without prior governmental approval.

According to the *Yemen Times*, on December 10, security forces detained Al-Jazeera's Yemen correspondent Ahmed al-Shalafi and cameraman Ali al-Baidhani, who were filming a protest by employees of a public textile company in the capital. The film that was recorded at the scene of the protest was confiscated and destroyed at the police station. Both were released more than an hour later after "high-level" instructions were given.

Other unidentified parties were also responsible for press harassment.

On July 17, Hajea al-Jehafi, the managing editor of the independent newspaper *An-Nahar*, was injured while opening a letter bomb. Sources attributed the attack to a tribal leader.

On August 25, Mohammed Saleh al-Hadhri, an independent journalist who wrote for the Yemen Socialist Party (YSP) affiliated *Al-Thawri* newspaper, was stopped by armed men, reportedly linked to tribal elements, and warned against writing for opposition newspapers.

On November 12, opposition journalist Nabil Sabaie was jostled and then stabbed in both shoulders by armed men in broad daylight on a main street of the capital. An MOI official attributed the attack to criminals attempting to steal Sabaie's cell phone. On November 14, defense ministry newspaper "26 September" reported that one of Sabaie's assailants was arrested. There was no further action on the case at year's end.

On December 8, journalist Mohamed Sadiq Al-Odaini was attacked by armed men near his house in the capital and held hostage in his house until early morning of December 9. Security forces did not arrive until the next day after the perpetrators had gone. On December 10, a MOI source attributed the attack to al-Odaini's landlord; Odaini had refused to leave his apartment.

In an attempt to counter dissent, elements close to the government or security apparatus tried to clone two newspapers, *Al-Shura* and *Al-Thawri*, by publishing newspapers with similar names, fonts, and colors to the targeted newspapers, but that carried more progovernment editorials and stories.

Journalists were tried and sentenced for writing articles critical of the president or for reporting on sensitive issues. More than 12 cases have been lodged against *Al-Thawri* and/or its editor-in-chief, Khalid Salman. On November 19, a Taiz court fined the paper \$3,800 (750 thousand Yemeni riyals) for libeling a Taiz city finance director. The remaining cases were unresolved at year's end. The paper published

a series of articles critical of corruption and the president. The government did not follow through on its 2004 pledge to prosecute journalists whom it deemed supportive of the rebel cleric al-Houthi.

The Yemeni Journalists Syndicate (YJS) defended freedom of the press and publicized human rights concerns. The YJS has been vocal in condemning recent government actions that closed several publications and imprisoned journalists.

At times, customs officials confiscated foreign publications regarded as pornographic or objectionable due to religious or political content. During the year there were some reports that authorities monitored foreign publications and banned those deemed harmful to national interests.

Authors of books were required to obtain a certification from the Ministry of Culture (MOC) for publication and also were required to submit copies to the ministry. At times, publishers did not deal with an author who had not yet obtained a certification. Most books were approved, but the process was time consuming. There were reports that both the MOC and the PSO monitored and sometimes pulled books from store shelves after publication. During the year publishers were banned from distributing some books that espoused Zaydi-Shiite Islamic doctrine (followed by approximately 30 percent of Yemenis and of which al-Houthi was a follower) or were deemed pornographic. The government denied that the media was subject to censorship by any security apparatus.

The government did not impose restrictions on Internet use; however, it intermittently blocked access to some political sites and Web pages deemed immoral (see section 1.f.).

The government restricted academic freedom, claiming it was necessary due to the politicization of university campuses. Many times, political parties attempted to influence academic appointments, as well as university faculty and student elections. In August the president of Sana'a University forbade the creation of new student associations, citing a Yemeni law forbidding campus partisanship. Opposition sources contended that this regulation was not enforced against GPC-affiliated organizations.

b. Freedom of Peaceful Assembly and Association.

Freedom of Assembly.—The law provides for freedom of assembly; however, the government limited this right in practice. The government required a permit for demonstrations, which it issued routinely. Government informers monitored many meetings and assemblies.

The government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence. On March 18, small-scale demonstrations occurred in Sana'a, Aden, Hodeida, and Taiz when shopkeepers protested the implementation of a new sales tax. Although mostly peaceful, there were reports that demonstrations in Aden and Taiz erupted into riots and that security forces shot in the air and used tear gas against crowds of demonstrators. No serious injuries were reported.

From July 19 to 20, riots protesting the rise in gas prices erupted across the country after the government lifted fuel subsidies. The violence resulted in approximately 43 deaths and 471 injuries. Press reports asserted at least 23 civilians were killed, including a 12-year-old child. On July 23, the government reported that at least 255 security personnel and 120 protesters were injured. Parliament submitted an inquiry to the MOI on the shooting deaths of demonstrators. The investigation was still pending at year's end.

On December 17, 1 person was reportedly killed after MOI security personnel removed approximately 300 demonstrators who had been encamped since November 13 in front of the Sana'a UNHCR headquarters, demanding resettlement in third countries. Nine persons, four MOI security personnel and five demonstrators were injured during the resulting violence. On November 21, MOI security forces injured one female protester in clashes with the demonstrators (see section 2.d.).

In November 2004 a member of the security forces shot into a crowd of protesters in front of an Aden court. One person was killed and another wounded. The protesters were monitoring the trial of a member of an intelligence agency who was accused of murder. Police claimed that the crowd was out of control. A fact finding committee was set up to investigate the incident the same week. There was no further action on the incident by year's end.

Freedom of Association.—The law provides for freedom of association, and the government usually respected this right in practice. In some instances the ruling party retained control of professional associations and NGOs by influencing internal elections (see section 6.b.).

Depending on its mandate, an association or NGO must obtain an operating license, usually a routine matter, from one of five ministries: Labor and Social Affairs

(MLSA), Culture, the Ministry of Education, Education, or Vocational Training and Technical Education.

The government cooperated to some extent with NGOs, although NGOs complained that there was a lack of response to their requests for more funding. By law the government provided all legally operating NGOs with an annual stipend. According to most NGO professionals, the government's limited responsiveness and funding was due to a lack of material and human resources. Some NGO professionals complained that NGOs that did not agree with government policy were subject to different registration and funding criteria than those deemed loyal by the ruling GPC party leadership.

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders and 2,500 members (see section 3).

c. Freedom of Religion.—The law provides for freedom of religion; however, the government limited this right in some cases. The constitution declares that Islam is the state religion.

The government took actions to counter the increase in political violence as a result of the June 2004 and March uprisings by the "Shabab al-Moumineen" (The Believing Youth) in the northern governorate of Saada and the ensuing attacks against government officials in the capital (see section 1.a.). The government restricted some practice of religion, which some members of the Zaydi-Shiite establishment alleged focused on them (see section 2.a.). In January the government banned the celebration of Ghadeer Day, a holiday celebrated by some Shi'a, in the Saada governorate. The government also reportedly limited the hours that mosques were permitted to be open to the public, reassigned some Imams who were thought to espouse radical or Zaydi doctrine, and increased surveillance and detention of members of the Shabab.

Followers of religions other than Islam were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, Shari'a forbids conversion from Islam and prohibits non-Muslims from proselytizing, and the government enforced this prohibition. The government required permission for the construction of all places of worship and prohibited non-Muslims from holding elected office.

Under Islam the conversion of a Muslim to another religion is considered apostasy, which the government interprets as a crime punishable by death. There were no reports of cases in which the crime was charged or prosecuted by authorities.

Official policy does not prohibit or prescribe punishment for the possession of non-Islamic religious literature; however, during the year there were reports of persons being harassed and temporarily detained for possession of religious materials with the intent to proselytize.

Non-Muslim citizens may vote but may not hold elected office.

Services for Jewish, Catholic, Protestant, and Ethiopian Orthodox Christians were held in various locations without government interference.

Public schools provided instruction in Islam, but not in other religions; however, most non-Muslims were foreigners who attended private schools that do not teach Islam.

In the last year the government significantly increased its efforts to prevent the politicization of mosques and schools in an attempt to curb religious extremism. This included the monitoring of mosques for sermons that incited violence or other political statements considered harmful to public security. By April the government closed over 2,000 unlicensed religious schools deemed to have deviated from formal educational requirements or promoted militant ideology. Private and national schools are prohibited from teaching courses outside of the officially approved curriculum.

The government also deported foreign students found studying in unlicensed religious schools. On July 5, the Ministry of Endowment and Religious Guidance announced a program to train over 300 women preachers on moderate Islam and religious tolerance.

There were credible reports that authorities banned the publishing of some materials that promoted Zaydi-Shiite Islam (see section 2.a.).

Shari'a-based law and social customs discriminated against women (see section 5).

Societal Abuses and Discrimination.—During the year Jews faced some incidents of anti-Semitism. Jewish citizens reported being attacked by a number of students chanting anti-American and anti-Israel slogans. The students damaged their cars and kicked them. Jewish children in the town of Raidah usually rode to school in a covered truck to protect them from stones. After the ruling party tried to put forward a Jewish parliamentary candidate, the General Election Committee adopted

a policy barring all non-Muslims from running for parliament (see section 3). The Jewish population has diminished significantly over the last 50 years from tens of thousands to a few hundred due to voluntary emigration.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, Repatriation, and Exile.—The law provides for these rights, and the government respected them with some restrictions. The government limited the movement of women, foreigners, and tourists. The two latter groups were required to obtain government permission before leaving the country. In practice, the government did not obstruct domestic travel; however, the army and security forces maintained checkpoints on major roads.

In certain areas armed tribesmen occasionally either manned their own checkpoints or operated alongside military or security officials and subjected travelers to physical harassment, extortion, or theft.

Although not required by law, women customarily were asked if they had permission from a male relative before applying for a passport or leaving the country. One women's rights NGO asserted that women were barred from leaving the country upon a husband's or male relative's request and that this requirement was strictly enforced when women traveled with children. During the year there were several reports of women who were turned away at the airport because they did not have the permission of or were unaccompanied by a male relative. Immigrants and refugees traveling within the country often were required by security officials at government checkpoints to show that they possessed resident status or refugee identification cards.

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

During the year the government continued to deport an unknown number of foreigners studying at Muslim religious schools, and believed to be in the country illegally. The government claimed that these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The government deported them using existing laws that require all foreigners to register with the police or immigration authorities within a month of arrival in the country.

Protection of Refugees.—The law does not provide for the granting of refugee status or asylum in accordance with the UN 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. The government generally provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government continued to grant prima facie refugee status to Somalis who arrived in the country after 1991.

The government also provided temporary protection to thousands of individuals from Iraq and the Darfur region of Sudan who may not qualify as refugees under the 1951 Convention and the 1967 protocol, although there were some reports of deportations. There were also reports that some Iraqi citizens were blocked from reuniting with their families after being denied readmission into the country.

Refugees were allowed to work and travel freely within the country, although they faced some difficulties. There were reports of refugees being refused employment or passage at checkpoints because they lacked legal documentation.

The government cooperated with the UNHCR in assisting refugees and asylum seekers. In December the government, in cooperation with UNHCR, established the first of six planned reception centers to register and provide greater legal protection to refugees. At times authorities arrested without charge and imprisoned an unknown number of undocumented refugees (see section 1.d.).

On December 17, MOI forces forcibly removed approximately 300 refugees protesting in front of the Sana'a UNHCR office since November 13 to demand resettlement in third countries. One demonstrator was reportedly killed, and five were injured (see section 2.b.).

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; however, there were limitations in practice. Although the parliament increasingly demonstrated independence from the government, it was not an effective counterweight to the executive branch. Decision-making and effective power were held by the executive branch, particularly the president, and who can dissolve the parliament. The president appoints the prime minister who presides over a 35-member cabinet (Council of Ministers), whose members the prime minister chooses in consultation with the president.

Elections and Political Participation.—The 2003 parliamentary elections were considered by international observers to be an improvement over previous elections; however, there were problems with underage voting, confiscation of ballot boxes, voter intimidation, and election-related violence. In addition, international observers reported that some officials were prevented from approving results that gave victory to opposition parties. There were reports that supporters of rival candidates shot and killed at least three persons and wounded another; no arrests were made. Due to security concerns there was no international monitoring in tribal areas. President Saleh's ruling GPC party increased its large majority in parliament. Approximately 75 percent of those eligible voted (8 million); 43 percent of voters were women.

Ali Abdullah Saleh was elected president to a five-year term in the country's first nationwide direct presidential election in 1999, securing 96.3 percent of the votes. A 2001 referendum adopted term limits for the presidency in effect extending President Saleh's term from a five to seven-year term, and allowed him to remain in office, subject to reelection in 2006, until 2013. The constitution provides that the president is elected by popular vote from at least two candidates endorsed by parliament. Despite the fact that the president's sole opponent was a member of his own party, NGOs, foreign embassies, and UNDP observers found the election free and fair. The candidate selected by the leftist opposition coalition did not receive the minimum number of required votes from the GPC-dominated parliament in order to run in the election.

The law mandates that political parties be viable national organizations that cannot restrict their membership to a particular region. All parties must be registered in accordance with the Political Parties Law, which stipulates that each party have at least 75 founders and 2,500 members. Parties based on regional, tribal, sectarian, class, professional, gender, or racial identities are not permitted. The government provided financial support to most political parties, including a small stipend to publish party newspapers. The constitution prohibits the establishment of parties that are contrary to Islam, oppose the goals of the country's revolution, or violate the country's international commitments.

There are 23 political parties, and candidates from any party could declare their candidacy for elections. The ruling GPC has been the dominant party since unification and controlled 238 seats in parliament. Islah is the only other significant party, and it controlled 46 seats. At times tribalism distorted political participation and influenced the central government's composition. Observers noted that persons were often selected to run for office or given jobs in particular ministries based on their tribal affiliations. Because tribal areas were still run by patriarchal systems, members of tribes voted mostly as directed by their leaders.

Although there were no formal restrictions limiting opposition participation, the government made it difficult for some parties to organize. In May the president publicly accused two relatively minor parties of attempting to overthrow the government by fomenting the Shabab movement. One of those parties' headquarters, the Union for Popular Forces, was subsequently seized by armed men and forcibly recreated under dubious circumstances. By year's end the government continued to hold substantial assets of the opposition YSP that were seized after the 1994 Civil War.

Although women voted and held office, cultural norms rooted in tradition and religious interpretation often limited their exercise of these rights, and the number of women in government and politics did not correspond to their percentage of the population (see section 5). Currently, one woman, elected in 2003, served as a member of parliament and another served in the cabinet as the minister of human rights. During the year, the Supreme Committee for Elections and Referenda established a Women's Department responsible for addressing gender equality in the electoral process.

Many Akhdam, a small ethnic minority who may be descendants of African slaves, did not participate in the political process due to socioeconomic factors. There were no reports that persons with disabilities were prohibited from participating in the political process.

Government Corruption and Transparency.—There is a widespread perception of corruption in every branch and level of government. Government officials and parliamentarians alike were presumed to benefit from insider deals and embezzlement. Procurement was a regular source of corruption in the executive branch. In September the Ministry of Public Works acknowledged that only 20 percent of contracts were awarded by tender. The Central Organization for Control and Audit (COCA), the country's investigative body for corruption, reported 68 official cases of corruption for a total loss to the treasury of approximately \$14 million (2.7 billion Yemeni riyals). Another \$41 million (7.9 billion Yemeni riyals) was spent without adhering to legal procedures or in violation of financial laws. The report cited the ministries of Oil, Health, and Vocational Training as violators. COCA also noted other irreg-

ularities at the ministries of Education, Interior, and Electricity. The actual number of corruption cases was generally considered to be significantly higher than what was reported by COCA.

During the year, for the first time, parliament actively challenged the executive in a number of high-profile corruption cases. These included a 2004 oil scandal for the allegedly illegal sale of government property to the Yemen Petroleum Company. Petty corruption was widely reported in nearly every government office. Job candidates are often expected to purchase their positions. Tax inspectors were reported to undervalue their assessments and pocket the difference. Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

The law requires a degree of transparency and public access to information, and the Press and Publications Law provides journalists with some access to government reports and information; however, in practice the government offered few procedures to ensure transparency. The government provided limited information on Web sites; however, most citizens did not have access to 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, investigation and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, NGOs reported there was often a lack of response to their requests. The Law for Associations and Foundations regulates the formation and activities of NGOs. During the year, the MHR sponsored several initiatives to further cooperation with local NGOs. On August 17, the MHR released a National Human Rights Report to local NGOs and urged them to publish their own findings and recommendations shadowing the report.

Several domestic human rights NGOs continued to operate throughout the year. Groups included the Human Rights Information and Training Center, the National Organization for Defending Rights and Freedoms, the Arab Foundation for Supporting Women and Juveniles, and the Civic Democratic Foundation. Although some NGOs were supported by the government or ruling party, others were clearly supported by opposition parties or were fully independent. A few NGOs practiced self-censorship. Some ministries reportedly harassed NGOs critical of the government by registration and funding criteria (see section 2.b.). At times the government met with domestic NGO monitors and responded to inquiries particularly in matters relating to prisoners. Domestic NGOs complained that the government was significantly less responsive in matters concerning PSO detainees.

The government gave AI, Human Rights Watch, the Parliament of the European Union, and the Committee to Protect Journalists access to officials, records, refugee camps, and prisons (see section 1.c.). AI visited the country several times during the year. The ICRC maintained a resident representative to inspect prisons during the year, although access to PSO prisons was restricted. During the year AI and Freedom House International published reports on the country's human rights record during 2004. The ICRC also issued a report on its 2004 activities in the country. In September the government responded to the AI report.

The Ministry of Human Rights, established in 2003, attempted to raise awareness of human rights via public information campaigns, training of human rights activists and security forces, and participation in numerous conferences. Through a newly established complaint mechanism, the ministry resolved an unknown number of human rights cases out of approximately 1,200 submissions, primarily through coordination and correspondence with other ministries and human rights NGOs. Observers concluded that the new system was operational and beginning to show a positive effect. During the year the MHR also sponsored training of over 300 police officers across the country and established a Human Rights Information Center for the general public to raise human rights awareness.

The parliament's committee on human rights was largely inactive during the year. Members complained the committee did not operate independently due to personal conflicts of interest by its leadership. During the year the committee continued to work on prison conditions, torture, and child trafficking. In 2004 one committee report on prison conditions was discussed in parliament. In July 2004 the committee issued an unofficial report on child trafficking that has still not been issued to the full parliament.

The Majlis as-Shura also has a committee on human rights. During the year that committee issued reports on the rule of law and the UNDP Human Development report and conducted meetings with different NGOs to discuss human rights developments in the country.

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

The law provides for equal rights and equal opportunity for all citizens; however, discrimination based on race, gender, and disability existed. Entrenched cultural attitudes often limited women's ability to enjoy equal rights.

Women.—The law provides for protection against violence against women; however, the provision was rarely enforced. Although spousal abuse occurred, it generally was undocumented. Violence against women and children was considered a family affair, and usually not reported to the police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than the authorities) to intercede on her behalf or provide her sanctuary if required. A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana'a.

The law criminalizes rape; however, it was a problem. The punishment for rape is imprisonment up to 15 years improvement; however, it was seldom imposed.

The press, women's rights activists, and the MHR continued to investigate or report on violations of women's rights. During the year, NGOs, in conjunction with each other and the MHR, sponsored several women's rights conferences dealing with issues such as violence against women, honor killings, and increasing the political representation of women. In May the Women's Forum for Research and Training held a workshop on eliminating violence against women and changing discriminatory laws. From December 3 to 5, the MHR sponsored a regional conference on women's rights in the Arab world. More than 300 government and civil society representatives from all over the Middle East attended.

The penal code allows leniency for persons guilty of committing a "crime against honor," a violent assault or killing committed against females for perceived immodest or defiant behavior. Legal provisions regarding violence against women state that an accused man should be put to death for killing a woman. However, a husband who kills his wife and her lover may be fined or imprisoned for a term of one year or less.

The law prohibits female genital mutilation (FGM); however, it was practiced to a limited degree. The prevalence of the practice varied substantially by region. Government health workers and officials actively discouraged the practice. The Yemeni Women's Union collaborated with local religious leaders to educate society on the negative health consequences of FGM.

Prostitution is illegal; however, it was a problem. The punishment for prostitution is imprisonment of up to three years or a fine. Mostly Iraqi and other foreign women continued to travel to the country to work in the sex industry (see section 5, Trafficking).

The country is a destination for the trafficking for sexual exploitation of foreign women, and there were credible reports of trafficking of foreign women during the year (see section 5, Trafficking).

There are no laws prohibiting sexual harassment; however it was a problem in the workplace.

The social custom and local interpretation of Shari'a discriminated against women. Men were permitted to take as many as four wives, although very few did so. By law the minimum age of marriage is 15 years; however, the law was not widely enforced, and some girls married as early as age 12 (see section 5, Children).

Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, and there are a number of practical, social, and financial negative considerations. A 2004 presidential decree abolished the law stating that the wife must obey the husband.

Women who seek to travel abroad must customarily obtain permission from their husbands or fathers to receive a passport, and to travel (see section 2.d.). Male relatives were expected to accompany women when traveling internationally; however, enforcement of this requirement was not consistent. Some women reported that they were able to travel freely without male accompaniment.

Some interpretations of Shari'a prohibit Muslim women from marrying a non-Muslim man; however a Muslim man is allowed to marry a non-Muslim woman. Women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born of foreign-born fathers if the father dies or abandons the child. The foreign wife of a male citizen must remain in the country for two years to obtain a residence permit.

According to a MOI regulation, any citizen who wishes to marry a foreigner must obtain the permission of the ministry. A woman wishing to marry a foreigner must present proof of her parents' approval to the MOI. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior" and "is free from contagious disease."

During the year there were reports that on occasion female judges, lawyers, and clients were refused entry into court. Female judges and prosecutors were also discriminated against in the workplace. During the year the MOJ appointed women as the head of four juvenile and one general court. Many female judges were assigned "without portfolio," where they served in staff positions in a ministry or with the attorney general's office.

The government continued to support women's rights as exemplified by local law and the expansion of the public role of women. The president strongly encouraged women to vote and created a special office to address gender equality in the electoral process (see section 3). The government also supported several NGO-sponsored conferences to increase the role of women in political life.

According to 2003 government statistics, approximately 83 percent of women were illiterate, compared with approximately 43 percent of men. The fertility rate was 6.67 children per woman. Most women had little access to basic health care.

In general women in the south, particularly in Aden, were better educated and had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, the number of women in government in the south has declined, due to cultural pressure from the north, as well as stagnation of the economy. According to the UNDP, female workers accounted for 23 percent of the paid labor force.

The law stipulates that women are equal to men in conditions of employment and employment rights; however, female activists and NGOs reported that discrimination was a common practice in both the public and private sectors. Mechanisms to enforce equal protection were weak or nonexistent.

The government-sponsored National Women's Committee (NWC) completed a comprehensive review of discriminatory laws against female citizens and conducted a seminar with parliamentarians to discuss proposed legislative changes. The NWC also educated 337 police officers on women's rights issues.

The Civic Democratic Initiatives Support Foundation worked with women across the country to enhance their role in local councils and ensure gender equity in the distribution of local services. The Women's Forum for Research and Training held a workshop on eliminating violence against women and changing discriminatory laws. The Society for the Development of Women and Children conducted a media campaign to encourage women to obtain identification cards, thereby allowing women access to government services and the legal system without relying on their husbands.

There were a number of NGOs working for women's advancement, including: the Social Association for Productive Families, which promoted vocational development for women; the Women and Children's Department of the Center for Future Studies, which organized seminars and published studies on women and children; the Woman and Child Development Association, focused on health education and illiteracy; the Yemeni Council for Motherhood and Childhood, which provided micro credit and vocational training to women; and the Zahara Women's Association for Welfare, which conducted voter education and grassroots education.

Children.—While the government asserted its commitment to children's rights, it lacked the resources necessary to ensure adequate education, health care, and welfare services for children. The law provides for universal, compulsory, and free education from age 6 to 15 years; however, compulsory attendance was not enforced. Public schooling was available to children through the secondary school level. Attendance was mandatory through the ninth grade. Many children, especially girls, did not attend primary school. According to a 2003 UNDP report, average student attendance in primary schools was 76 percent for boys and 45 percent for girls. In rural areas 52 percent of children attended school, whereas the rate in urban areas was 81 percent.

The law provides for free medical care for citizen children; however, this was not always enforced. Malnutrition was common. According to statistics gathered during the year, the infant mortality rate was 61.5 deaths per 1,000 births. Male children received preferential treatment and had better health and survival rates.

FGM was performed in some cases on girls (see section 5, Women).

Child marriage was a significant social problem in the country. The law requires that a girl be 15 years of age to marry; however, it was not enforced, and marriages of girls as young as age 12 occurred. The UN Children's Fund (UNICEF) estimated that approximately 41 percent of citizen children under the age of 15 were married. According to the Ministry of Labor and Social Affairs, the government has not yet embarked on public awareness campaigns on the negative effects of child marriage because of the cultural sensitivity of the issue.

The law does not prohibit child abuse, and it was a problem; however, reliable data on the extent of child abuse was insufficient.

Child labor was a problem. The Child Rights Law prohibits child labor; however, the law has not been implemented, and children as young as four years of age worked in workshops, agriculture, or as street vendors (see section 6.d.).

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were credible reports of trafficking in women and children. The law, which does not differentiate between children or adult victims, allows for a prison sentence of up to 10 years for anyone convicted of trafficking in persons. Other laws forbid and severely punish kidnapping, sexual assault, and the facilitation of prostitution. The Child Rights law mandates the protection of all children from economic and sexual exploitation.

Trafficking was a relatively new phenomenon in the country, and there were no reliable statistics available. During the year there were reports of foreign Arab women, particularly Iraqis, who were possibly trafficked to the country for the purpose of prostitution. They are located primarily in the southern port city of Aden and in Sana'a. As the problem of sex trafficking was new, authorities were unable to provide information on the scope and methods of sex trafficking, but they suspected that women were brought or trafficked to the country by organized syndicates. In 2004 the government took steps to address this problem by instituting a new visa requirement for Iraqi citizens traveling to the country.

According to a local human rights NGO, it was possible that citizen women were trafficked from their homes to other regions within the country for the purposes of prostitution, including those under the age of legal consent. The same NGO also believed that such prostitution may have been organized and speculated that low-level government and security officials operated or were complicit in sex trafficking within the country.

There were no official statistics available on the number of children trafficked out of the country. Press reports claimed that children mostly from northern governorates were trafficked out of the country to work as street beggars, vendors, or domestic help in Saudi Arabia at a rate of approximately 200 children per week. Children were trafficked by individuals, other children, and loosely organized syndicates who helped them cross the border by donkey, automobile, or foot.

Government investigations revealed that extreme poverty was the primary motivation behind child trafficking and that the victims' families were almost always complicit. The traffickers were almost always well known by, if not related to, the family; parents were either paid or promised money in exchange for allowing their children to be trafficked. Many cases were also later discovered to be instances of illegal immigration.

During the year the government significantly increased its efforts to combat child trafficking. MOI security forces intensified patrolling the country's border with Saudi Arabia, resulting in the arrest of several traffickers. At least 14, up from 2 in 2004, traffickers of children were successfully convicted and sentenced to prison sentences that ranged from 6 months to a year. The government, in cooperation with UNICEF and the International Organization for Migration (IOM), also trained 42 border and airport officials on identifying and preventing child trafficking. At least 14 additional traffickers were apprehended by authorities at year's end. Parliament and the MLSA sent numerous delegations to areas known as points of origin for child trafficking to investigate the problem. The MHR established a hot line for persons to report cases of child trafficking.

In January the government and UNICEF released a joint study and held a two day conference that examined the problem of trafficking in children. UNICEF also helped the government establish a reception center in the northern part of the country for repatriated trafficked children. By year's end, the center received over 300 repatriated children.

To prevent child trafficking, the MLSA conducted a campaign in areas known as points of origin for child trafficking. The campaign warned potential victims' parents against the dangers of allowing their children to work in Saudi Arabia

Persons with Disabilities.—There was discrimination against persons with mental and physical disabilities in education and employment. Several laws mandate the rights and care of the disabled. A law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities; however, it was unclear to what extent these laws have been implemented. Other laws mandate that 5 percent of government jobs be reserved for persons with disabilities. No national law mandates the accessibility of buildings for persons with disabilities. For the second consecutive year, public awareness regarding the need to address the concerns of persons with disabilities appeared to be increasing.

During the year the Handicapped Society, the Challenge Society, the Yemeni Development Foundation, Al-Saleh Social Establishment, and the Islamic World Handicap and Training Council provided assistance to persons with disabilities, including rehabilitation assistance, vocational training, cultural and sports activities, and collaborative workshops on how to address the issue of disabilities in the country. The government's Social Fund for Development and Fund for the Care and Rehabilitation of the Disabled, administered by the MLSA, provided limited basic services and funded over 60 NGOs to assist persons with disabilities.

National/Racial/Ethnic Minorities.—The Akhdam (an estimated 2 to 5 percent of the population) were considered the lowest social class. They lived in poverty and endured persistent social discrimination. The government's Social Fund for Development provided basic services to assist the group.

Human rights groups have reported that some immigrants of African origin had difficulty in securing MOI permission to marry citizens (see section 1.f.).

Tribal violence continued to be a problem during the year, and the government's ability to control tribal elements responsible for acts of violence remained limited. Tensions over land or sovereignty in particular regions, which periodically escalated into violent confrontations, continued between the government and a few tribes.

Section 6. Worker Rights

a. The Right of Association.—The law provides that citizens have the right to form and join unions; however, this right was restricted in practice.

The law permits trade unions to organize. Although not required by law, all current unions are federated within the General Federation of Trade Unions of Yemen (GFWTUY), a national umbrella organization. The GFWTUY claimed approximately 350 thousand members in 14 unions and denied any association with the government; however, it worked closely with the government to resolve labor disputes through negotiation.

The politicization of unions and professional associations continued to hamper the right of association. In some instances, the GPC ruling party attempted to control professional associations by influencing internal elections or placing its own personnel, usually tied with the government, in positions of influence in unions and professional associations.

The law dictates that labor unions can only be dissolved by court order or its own members; however, the government did not respect this right in practice. In May 2004 the government unilaterally dissolved and seized the assets of the Sana'a Medical Association after its members elected a chairman associated with the opposition Islah party. Subsequently the government formed an alternative medical association and threatened former members with judicial action if they associated with the dissolved union. By year's end some association members continued attempts at reorganizing.

The law generally protects employees from antiunion discrimination. Employers do not have the right to dismiss an employee for union activities. In June 2004 technicians working for the national airline, Yemenia, were restricted from unionizing. Several technicians and union officials reported that persons, likely associated with the PSO, removed union literature from public notice boards and prevented some technicians from reaching ballot boxes to participate in a unionization vote in August 2004. A deputy minister for unions was removed from office for supporting the technicians' efforts. His replacement subsequently invalidated the election results on the basis that the elections were suspect. Technicians reported that they were regularly harassed at work and have been blocked by Yemeni airline officials from seeking employment with other regional carriers.

Employees may appeal any disputes, including cases of antiunion discrimination, to the MLSA. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the MLSA, and is composed of an employer representative and a GFWTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company. Neither GFWTUY nor the MLSA were able to provide statistics on how many unionized employees used this system in during the year.

b. The Right to Organize and Bargain Collectively.—The labor law provides workers, except public servants, foreign workers, day laborers, and domestic servants, the right to organize and bargain collectively without government interference. The government permitted these activities; however, at times it sought to influence them by placing its own personnel inside groups and organizations. The MLSA has veto power over collective bargaining agreements, a practice criticized by the International Labor Organization (ILO). Several such agreements existed. Agreements may be invalidated if they are "likely to cause a breach of security or to damage the economic interests of the country." Unions may negotiate wage settlements for

their members, and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court.

The labor law provides unions the right to strike only if prior attempts at negotiation and arbitration fail, and workers exercised this right by conducting legal strikes. The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor. Strikes for explicit "political purposes" were prohibited. There were reports of peaceful strikes during the year.

In March university professors throughout the country staged a series of peaceful strikes to demand higher wages. The strikes, which continued intermittently throughout the year, were suspended when the government agreed to examine the situation.

On March 4, the Yemeni Physicians and Pharmacists Syndicate (YPPS) staged a nationwide strike demanding a pay increase. The strike was suspended on March 4 after the government agreed to fulfill the demands of the syndicate within three months. The syndicate continued to strike intermittently throughout the year after it claimed that the government failed to follow through on its pledge.

On October 29, textile workers demonstrated in front of the Public Textile Corporation, a state-owned company located in Sana'a, demanding to be paid back wages. The demonstrations, which continued intermittently throughout the year, were also conducted in front of the parliament and cabinet buildings. The workers' demands were met after the minister of industry and trade and parliament intervened.

There were reports that private sector employers discriminated against union members through transfers, demotions, and dismissals.

There are no export processing zones in operation.

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 Child Rights Law prohibits child labor; however, it has not been effectively implemented.

The established minimum age for employment was 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 years could work. The government rarely enforced these provisions, especially in rural and remote areas. The government also did not enforce laws requiring nine years of compulsory education for children.

Child labor was common, especially in rural areas. Many children were required to work in subsistence farming due to family poverty. Even in urban areas, children worked in stores and workshops, sold goods and begged on the streets. Many children of school age worked instead of attending school, particularly in areas in which schools were not easily accessible.

The Child Labor Unit at the Ministry of Labor was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement.

The Ministry of Labor estimated that there were close to half a million working children, ages 6 to 14 years, and that working children equaled 10 to 15 percent of the total work force. The government was an active partner with the ILO's International Program to Eliminate Child Labor. During the year, this program offered remedial education, vocational training, counseling, and reintegration of child laborers into schools. In September 2004 the government entered into a grant agreement with a foreign government aimed at combating the worst forms of child labor in the country.

e. Acceptable Conditions of Work.—There was no established minimum wage for any type of employment. The labor law provides equal wages for workers and civil servants. Private sector workers, especially skilled technicians, earned a far higher wage. The average daily wage did not provide a decent standard of living for a worker and family. The minimum civil service wage during the year did not meet the country's poverty level.

The law specifies a maximum 48-hour workweek with a maximum 8-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was 7 hours per day from Saturday through Wednesday.

The Ministry of Labor is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the labor law; however, enforcement was weak to nonexistent. Many workers regularly were exposed to toxic industrial products and developed respiratory illnesses. Some foreign-owned companies and major manufacturers implemented higher health, safety, and environmental standards than the government required. Work-

ers have the right to remove themselves from dangerous work situations and may challenge dismissals in court. These laws were generally respected in practice.